

**HURRICANE KATRINA: MANAGING
LAW ENFORCEMENT AND COMMUNICATIONS
IN A CATASTROPHE**

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

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HURRICANE KATRINA: MANAGING LAW ENFORCEMENT AND COMMUNICATIONS IN A CATASTROPHE

MONDAY, FEBRUARY 6, 2006

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:04 p.m., in room SD-342, Dirksen Senate Office Building, Hon. Susan M. Collins, Chairman of the Committee, presiding.

Present: Senators Collins, Warner, Lieberman, and Levin.

OPENING STATEMENT OF CHAIRMAN COLLINS

Chairman COLLINS. The Committee will come to order.

Today the Committee will examine two essential elements of disaster response: Strong, coordinated law enforcement to protect the public and first responders, and effective communications to expedite rescue and relief efforts. Both of those elements were tragically absent in the immediate aftermath of Hurricane Katrina. In this, the Committee's 16th hearing on Katrina, we will focus on the deficiencies in planning and management that added to the misery and fear of the victims and that made the arduous work of first responders even more difficult and needlessly dangerous.

In the first days after Katrina struck, reports of murder, rape, and looting were rampant. Fortunately, some of these war stories turned out to be false. Still, while the overwhelming majority of the people in the Gulf region pulled together to help one another through the crisis, there were criminal opportunists who sought to intimidate or vandalize or steal. These criminals added yet another dimension to the suffering of our fellow Americans caught in the hurricane's wake.

In addition to the harm caused by actual criminal activity, Katrina's victims were harmed by the wildfire of rumors that swept through their communities. Indeed, the horror stories coming out of the Superdome in New Orleans were so numerous, so frightening, and so often repeated, not just by the news media but by city officials as well, that FEMA medical teams withdrew from the very place they were needed the most.

The basic question we will explore with our first panel of witnesses is to what extent the law enforcement community at the local, State, and Federal levels anticipated that a major natural disaster would bring about lawlessness. We also want to know how

law enforcement agencies planned to cope with the disintegration of their normal operations, with individual officers cut off from their units, units cut off from their departments, and departments cut off from one another. Who takes control when resources are scattered and the chain of command is stressed to the breaking point?

The specific issues we will explore cut to the very heart of effective disaster response: Planning for the predictable consequences of a disaster and having a structure in place that can overcome the unexpected. For example, the defections from the New Orleans Police Department contributed both to the actual lawlessness and the perception that crime in the city was beyond control. Some defections may have been the result of dereliction of duty. Others, however, were the result of officers being caught in their own personal crises and, thus, being unable to respond. That is a predictable consequence of any major disaster, yet there seems to have been no plan in place to reorganize and reconstitute the department following its initial disruption.

And how prepared were government agencies at the State level to respond to the law enforcement collapse in the city? We must also learn where Federal law enforcement fits into this picture, in particular, what effect the split command between the Departments of Justice and Homeland Security had upon the speed and effectiveness of the Federal response. The lack of coordination among law enforcement agencies at all levels of government appears to be glaring and unacceptable.

Similarly, shouldn't it have been apparent that if New Orleans flooded, then the city's correction facilities would also flood? There is no question that the Orleans Parish Central Jail would have to be evacuated. We must learn why pre-disaster planning failed to anticipate this and what effect the lack of back-up facilities had on the ability to control crime.

Among all the examples of insufficient pre-disaster planning, this is one of the most troubling and one that had a considerable effect on public safety and the security of first responders.

Communications failures plagued nearly every aspect of Katrina response and relief, including law enforcement. Our second panel of witnesses represents a wide range of expertise in emergency communications both from government and the private sector. When the telephone lines and the cell towers went down and the power went out, the ability of agencies to mount an effective and coordinated response was lost, and the public was plunged into even greater uncertainty and fear. The thousands of unanswered 911 calls are evidence of that.

This collapse of the public telecommunications system was accompanied by that long-standing Achilles heel of emergency response: The lack of interoperable communications equipment among emergency response agencies. Communications among first responders and with their headquarters were, at best, sporadic, inconsistent, and at times overwhelmed by competing traffic. More often it was non-existent as the captain from the New Orleans Police Department testified last week. Also last week we heard Governor Haley Barbour of Mississippi say that the lack of survivable

interoperable communications was the single biggest problem he confronted.

The collapse of communications systems was so widespread and so complete, Governor Barbour told us, that the head of his State's National Guard might as well have been a Civil War general, having to communicate with field commanders by messenger instead of with technology. For communications technology to serve as the powerful tool it can be in a disaster response, it must be able to withstand the disaster itself, or back-up equipment must be readily available.

This Committee has invested a great amount of effort over the past several years to strengthen the emergency response partnership and to improve our Nation's emergency communications capabilities, and we have made some progress. The issue we will highlight today, however, demonstrates the grim consequences that result when that partnership breaks down and communications fail.

This hearing will show how very much more needs to be done, starting with the enactment of the Lieberman-Collins interoperability communications bill.

I yield to my colleague.

OPENING STATEMENT OF SENATOR LIEBERMAN

Senator LIEBERMAN. Thank you, Madam Chairman. It is a measure of the quality of our relationship that I always call it the Collins-Lieberman bill. I thank you for mentioning it, and I agree with you.

In today's hearing, Managing Law Enforcement and Communications in a Catastrophe, we are going to examine two capacities that are crucial to any effective response to a disaster. Emergency response will never be successful in our country if our Federal Government, working with State and local governments, is unable to help restore order and maintain communications at the scene of a disaster, whether it is natural or a terrorist attack.

The National Response Plan (NRP), which was issued in January 2005, clearly puts the Department of Homeland Security in charge of making sure communications and law enforcement work in an emergency. Unfortunately, as today's hearing will show, and as I have come to learn as our investigation has gone on, the Department of Homeland Security was largely unprepared to provide the emergency communications and law enforcement support the Gulf Coast needed after Hurricane Katrina struck. And that is a serious failure. That failure was part of a larger failure, which in some sense began on January 6, 2005 when the NRP was issued and continued right until August 29, when Hurricane Katrina struck. It was a failure by the Department of Homeland Security to take steps to activate its role under the NRP and get ready to carry out its responsibilities under that plan in time of disaster anywhere in America.

Its unpreparedness left State and local police, firefighters, search and rescue teams, Red Cross, and FEMA volunteers adrift in this enormous disaster without communications or the public safety support they needed from the Federal Government. The portion of the NRP that addresses public safety and security creates a framework for Federal law enforcement to assist other Federal, State,

and local authorities during what is labeled by the NRP “an incident of national significance.” But under this portion of the plan, which is designated ESF-13, for Emergency Support Function 13 two agencies instead of one are designated as the coordinators: The Department of Homeland Security and the Department of Justice.

Evidence gathered by our staff makes clear that in the critical days before, during, and after Katrina, there was little coordination between these two Federal agencies and, in fact, little coordination within the agencies as well.

The Homeland Security Department’s senior leadership failed to understand it had a leadership role for public safety, and so far as I have reviewed, our investigation to date has produced no evidence that anyone in the Department of Homeland Security was given clear, explicit responsibility to take the lead on public safety for the Department in the days before landfall or in the days immediately after the hurricane struck.

The responses to these two emergency functions that we are focused on in this hearing today—ESF-2, which is communications, and ESF-13, which, as I have said, is public safety and security—raise troubling questions about who was in charge of the NRP, generally, who was making sure that the NRP was being properly activated, ready to be implemented. Later this week, we will hear from people from FEMA and the Department of Homeland Security, and then next week we will hear from Secretary Chertoff of DHS. And I intend to ask those witnesses those very important questions.

While they saw the storm coming, as the rest of America did, on television, and even after the President in response to requests from the governors in the region declared a state of emergency on Saturday, August 27, the Department of Justice waited to be asked for law enforcement help to take any action. On August 30, Tuesday, the day after landfall, DOJ did receive a request from the State of Louisiana, but documents show the response by the Department of Justice was delayed while it struggled to answer fundamental questions about its authority under the NRP, which, of course, should have been answered long before the hurricane struck.

This confusion was compounded by a lack of cooperation between the Department of Justice and the Department of Homeland Security. According to e-mails our staff has obtained from DHS, there appears to have been a conflict between the two Departments over who should be in charge of law enforcement assistance to the city of New Orleans.

Our exhibits today in the book that the witnesses have specifically include an e-mail dated September 4, 2005, that refers to a dispute as to who would take the lead—the FBI, which is under the Department of Justice, or the Immigration and Customs Enforcement agency, under DHS.¹ This lack of coordination clearly slowed Federal assistance to New Orleans, which could have helped avoid the breakdown of law and order that had serious consequences on the ground in the desperate and confusing aftermath of Katrina.

For example, as we have heard, FEMA Disaster Medical Assistance Teams deployed to the Superdome to assist evacuees with spe-

¹ Exhibit 6 appears in the Appendix on page 106.

cial needs decided to abandon their posts and, in fact, their patients and leave their supplies and equipment behind because the teams grew concerned about security, including rumors that segments of the crowd at the Superdome were plotting to stage a riot on the third day after landfall. On the same day, which was Thursday, September 1, search and rescue and communications teams in New Orleans were also forced to curtail critical operations in large parts of the stricken city for similar safety reasons.

So public safety fears, in some cases some people say they were exaggerated, but whether they were exaggerated or not, those fears limited the rescue and recovery efforts, and that must not be allowed to happen again.

Our second panel today deals, as Senator Collins has said, with communications and the twin problems of the inability of first responders to talk to each other, which can be described as interoperability, and in this disaster the inability to talk at all, which might be called operability. The heroes of the search and rescue efforts in New Orleans who testified before this Committee last week about their inability to communicate with each other, with the victims, and with coordinators at the Emergency Operations Center (EOC) in Baton Rouge really left an impression on me.

Katrina's high winds and subsequent flooding caused what the Federal Communications Commission called "extraordinary" destruction of communications facilities. And it was extraordinary. It reminds us all how much we depend on those systems in our daily lives, let alone in a disaster. Almost 3 million telephone lines were knocked down by Katrina. Thirty-eight 911 call centers were put out of action, and more than 1,000 cell towers were left useless. Most over-the-air and cable television service was wiped out by Hurricane Katrina.

Now, those enormous outages not only made it extremely difficult for hundreds of thousands of victims to get emergency information or communicate with family and friends, they also crippled the ability of government officials and first responders to coordinate their activities and respond.

Despite the clear responsibility given to the Department of Homeland Security under the NRP to assure communications support to Federal and State and local response efforts in a disaster, the fact is that the Department, as far as we can determine, had no plan when Katrina struck to provide such emergency support. While the National Communications System, which we will hear about in the second panel, which is within the Department of Homeland Security, did engage in daily contact with the telecommunications industry, which was helpful in facilitating restoration of landline and cellular systems, as far as we can determine, it had no similar contact with State or local governments who were desperately in need of their help to restore communications.

DHS was simply unprepared to move in with mobile systems, for instance, to provide emergency communications solutions to the police, fire department, search and rescue teams, and other first responders who were struggling to save lives in the days after landfall.

As Chairman Collins indicated, last week Mississippi Governor Haley Barbour and New Orleans Mayor Ray Nagin and Louisiana

Governor Kathleen Blanco all testified that communications failures greatly hampered emergency response efforts and, along with interoperability, Governor Barbour specifically said, is the number one problem that they feel needs to be addressed before disaster strikes again.

This inability to communicate after Katrina serves as a grim reminder that 4 years after September 11, our Nation was still nowhere near as prepared as it should have been for a major disaster. So restoring law and order and maintaining communications, both for first responders as well as the stricken population, have got to be crucial missions for the Federal Government in the immediate aftermath of an American catastrophe, and in the case of Hurricane Katrina, which was an American catastrophe, neither happened. We need to find out why in this investigation if we are to make sure that never happens again.

Thank you, Madam Chairman. Thanks to the witnesses for being here. I look forward to their testimony.

Chairman COLLINS. Thank you.

I am very pleased to welcome our panel of witnesses today. Each of them has a deep commitment to law enforcement and has devoted many years to public service.

Michael Vanacore is Director of the Office of International Affairs for Immigration and Customs Enforcement and was a key member of the transition team when the Department of Homeland Security was created 3 years ago. After Katrina hit, he was assigned to New Orleans to serve as a liaison between the DHS headquarters and its personnel on the scene.

Ken Kaiser is the Special Agent in Charge of the Federal Bureau of Investigations Field Office in Boston. I would note that he has worked very hard with my office to create the Joint Terrorism Task Force in the State of Maine, and I am grateful to him for those efforts. Among many supervisory assignments during his 23 years with the FBI, he served as Special Agent in Charge of the New Orleans FBI office from 2001 to 2004, and that experience caused him to volunteer to deploy to New Orleans. In the aftermath of Katrina, he was tasked with commanding the FBI's tactical assets.

Warren Riley is the Superintendent of Police for the City of New Orleans and a 24-year veteran of the New Orleans Police Department. During Hurricane Katrina, he was the department's chief of operations. As such, he commanded all the field units, precincts, and SWAT teams during the response effort.

I would ask that you each rise so that I can swear you in. Do you swear that the testimony that you are about to give the Committee is the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. VANACORE. I do.

Mr. KAISER. I do.

Mr. RILEY. I do.

Chairman COLLINS. Thank you. Mr. Vanacore, we will begin with you.

TESTIMONY OF MICHAEL J. VANACORE,¹ ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS, OFFICE OF INTERNATIONAL AFFAIRS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. VANACORE. Thank you, Madam Chairman, Ranking Member Lieberman. It is an honor for me to appear before you today to discuss U.S. Immigration and Customs Enforcement (ICE) and how our Federal law enforcement and support personnel responded to Hurricane Katrina.

Before I begin to share with the Committee the details of our support to the people of New Orleans and Louisiana during and after Hurricane Katrina, I want to talk for a moment about the agency I am proud to represent.

ICE's principal mission is to protect the American people by combating criminal and terrorist activities that cross our borders and threaten us here at home. The men and women of ICE accomplish this by investigating and enforcing the Nation's immigration and customs laws while also protecting vital Federal facilities throughout the Nation. Working overseas, along our borders, and throughout the Nation's interior, ICE agents and officers prove every day that the newly merged customs and immigration authorities create a powerful enforcement mechanism. These unique enforcement tools allow ICE to quickly detain, arrest, and remove from this country those who violate our borders and also develop stronger cases that are more likely to be accepted for prosecution with more significant penalties.

By leveraging the full enforcement potential provided by the new and unique blend of customs and immigration authorities wielded by ICE, we are making it more difficult for potential terrorists and organized criminal groups to move themselves, their supporters, or their weapons across our borders through traditional human, drug, contraband, or financial smuggling networks, routes, and methods.

By virtue of their dedication, excellence, and commitment, the men and women of ICE have made great strides since 2003 in building upon their traditional strengths and capabilities while simultaneously creating a new agency.

Nowhere was this more evident than in our unprecedented response to Hurricane Katrina.

Prior to Hurricane Katrina making landfall, 30 ICE Federal Protective Service (FPS) personnel were on the ground, in the area, in preparation for the storm supporting the Federal Emergency Management Agency relief operations—medical assistance teams, Red Cross, and evacuation shelters—as per agreement with FEMA and protecting the Federal facilities in the affected area. Additionally, a FPS Emergency Response Team was deployed immediately from Washington, DC, and further personnel were pre-staged along with resources in Houston and Fort Worth, Texas; Jackson, Mississippi; Atlanta, Georgia; and Tallahassee, Florida. As a component of ICE, FPS was on the ground before the storm came ashore.

In response to the magnitude of the storm and the subsequent flooding, ICE deployed large numbers of law enforcement and sup-

¹ The prepared statement of Mr. Vanacore appears in the Appendix on page 55.

port staff to the affected area. Countless times, in response to the exigent circumstances in the area, ICE agents and officers participated directly in response, rescue, and recovery efforts while also simultaneously establishing and visibly demonstrating a robust law enforcement presence. We accomplished this in the midst of countless life-or-death situations with an almost complete absence of local law enforcement capability and infrastructure. Over the course of ICE's commitment to the entire Katrina operation, we deployed nearly 2,000 law enforcement officers.

With respect to my personal involvement in Hurricane Katrina, I was notified on Friday, September 2, 2005, that I had been selected to deploy to Louisiana and attended a meeting at DHS headquarters that same day. I departed Washington, DC, by commercial air for Louisiana on Sunday, September 4, 2005. I was charged with serving as ICE's lead representative on the ground to help coordinate the ongoing Federal, State, and local law enforcement activities while ensuring connectivity between the field and ICE headquarters. Over the course of ICE's support to Louisiana, our agents and officers completed thousands of law enforcement and security assignments and rescued hundreds of citizens from their residences.

Any response to a natural disaster of this magnitude on U.S. soil cannot and should not escape close scrutiny in an effort to improve our ability to assist those affected. Many questions have been asked, such as what lessons have we learned on pre-hurricane deployments and how we can enhance emergency preparedness, strengthen command and control, and increase coordination between Federal, State, and local law enforcement, first responders, and the National Guard.

The Department has publicly acknowledged that Katrina revealed problems in national response capabilities, stretching back more than a decade, and demonstrated the need for more comprehensive Federal, State, and local planning for catastrophic events. DHS has publicly announced that it will issue a comprehensive strategy to improve the Nation's capability to manage catastrophic incidents in the very near future.

In closing, I would urge the Members of this Committee that in the course of your important oversight responsibilities to consider that the numbers of DHS and ICE personnel deployed do not begin to tell the whole story. Every one of our deployed agents, officers, and support staff left friends and family to help others in the face of great hardship and uncertainty. Upon arrival, our people worked round the clock in a very austere environment. Their tireless work and dedication to their mission reflected the very highest performance standards of the Department of Homeland Security.

At the outset, our goal was to provide critically needed assistance to the people of Louisiana during a very difficult time. We fulfilled our mission by assisting the people and police departments throughout the State, and most importantly, we saved lives.

Thank you for your continuing support of the men and women of ICE and the Department of Homeland Security. I would be pleased to answer any questions you might have.

Chairman COLLINS. Thank you. Mr. Kaiser.

TESTIMONY OF KENNETH W. KAISER,¹ SPECIAL AGENT IN CHARGE, BOSTON FIELD OFFICE, FEDERAL BUREAU OF INVESTIGATION

Mr. KAISER. Good afternoon, Chairman Collins, Ranking Member Lieberman. I am pleased to be here today to discuss the Federal Bureau of Investigation's response to Hurricane Katrina. I am currently the Special Agent in Charge (SAC) at the FBI's Boston Division where I am responsible for 268 FBI special agents and 205 FBI support personnel in an area which covers four New England States. Prior to my current assignment from August 2001 through March 2003, I was the SAC of the FBI's New Orleans Division. During my tenure in New Orleans and continuing through today, the FBI has enjoyed strong relationships with our State and local law enforcement partners in Louisiana.

We are all aware of the catastrophic damage caused by the storm. Although the FBI has a broad mission, Hurricane Katrina posed unique and unprecedented challenges. Historically, the FBI has had a very limited role in response to natural disasters, but the large-scale destruction of the Gulf Coast region from Hurricane Katrina and the substantial failure of the infrastructure led to post-storm events not previously experienced. With our assets, resources, and crisis management experience, the FBI was able to address some of the unique law enforcement needs of the region following the storm.

Prior to the landfall of Hurricane Katrina, the Special Agent in Charge (SAC) of the FBI's New Orleans Division, Jim Bernazzani, had made preparations for continuity of his division's operations. These included establishing a protocol for communications with his employees and arranging for the deployment of personnel, equipment, and supplies from the FBI Division in Quantico, Virginia, to Baton Rouge, Louisiana, where SAC Bernazzani intended to temporarily relocate his field office operations should that become necessary. As Hurricane Katrina made landfall, SAC Bernazzani and a small staff remained in the FBI office in New Orleans to ensure the security of the FBI's records, equipment, and evidence. Once the storm had passed and FBI SWAT agents relieved SAC Bernazzani, he immediately relocated to a mobile FBI command post in Baton Rouge, which provided him with the communications equipment he needed to begin accounting for his personnel and re-establishing FBI field operations. As it became evident that the vast majority of the FBI New Orleans Division personnel had been displaced, additional FBI personnel from around the country were deployed to New Orleans to ensure FBI operations continued.

On September 1, the Office of the Attorney General directed the DOJ components to identify personnel, assets, and other resources for immediate deployment to areas impacted by Hurricane Katrina. On September 2, having received the inventory of assets and personnel available for deployment, the Attorney General issued a memorandum directing its components as follows:

The FBI to continue to deploy Special Agents, including SWAT agents, and tactical assets, including helicopters, boats, and technical and communications assets, to the affected area;

¹ The prepared statement of Mr. Kaiser appears in the Appendix on page 63.

The DEA to prepare to deploy Mobile Enforcement Teams, special agents, and tactical assets, including helicopters and other aircraft, to the affected area;

The ATF to establish a Violent Crime Impact Team in Baton Rouge, Louisiana, with related personnel and assets, to address any rise in criminal activity in the city;

The U.S. Marshals Service to continue to deploy Deputy U.S. Marshals and court security officers to conduct prisoner transport operations and provide additional court security and to prepare to utilize the Justice Prisoner and Alien Transportation Act to deploy law enforcement personnel to airports around the country as needed.

I was deployed to Louisiana and designated the FBI Tactical and Emergency Operations Commander. As such, I was responsible for the command and control of all FBI tactical assets deployed to the area. My role was to coordinate and manage requests for standard SWAT operations such as high-risk arrests or search warrants, officer rescue operations, and other operations supporting Federal investigations. I also directed the coordination, management, and execution of critical infrastructure and site security operations requested by the Federal Emergency Management Agency or other components of the Department of Homeland Security under the National Response Plan Emergency Support Function 13, ESF-13.

Upon my arrival in New Orleans on September 1, 2005, it was immediately apparent to me that the effects of the storm and subsequent damage to the levees had severely affected the ability of the New Orleans Police Department to perform effectively. New Orleans Police Department officers were dealing with personal losses from Hurricane Katrina, were without a supporting infrastructure, and were depleted of such resources as communications, ammunition, transportation, and food. Effective law enforcement activities could not be conducted under these circumstances. Also, many law enforcement agencies from around the country were sending resources into New Orleans.

The NRP contemplates that a senior law enforcement official will be appointed during an Incident of National Significance to oversee the combined Federal, State, and local law enforcement response to the incident. The FBI identified New Haven Division Special Agent in Charge Michael J. Wolf as having the experience and expertise to support this mission. SAC Wolf was deployed to Louisiana on September 4, 2005, and arrived late that evening to begin the process of establishing an effective method of command, control, and coordination of law enforcement assets in New Orleans.

SAC Wolf and U.S. Immigration and Customs Enforcement Assistant Director Michael Vanacore assumed the duties of SFLEOs after being identified by their respective agencies. In order to address the identified gaps in the law enforcement response, SAC Wolf established the Law Enforcement Coordination Center. The purpose of the LECC was to coordinate, deconflict, and track requests for and response to law enforcement support; to organize and coordinate interaction among law enforcement; to ensure coordination between law enforcement efforts and National Guard and Department of Defense operations; and to provide limited investigative and criminal law enforcement resources, until such time

as the NOPD was able to maintain service without additional resources from other law enforcement agencies.

I was specifically asked to talk about the FBI's effort to train its agents in accordance with the NRP. One of the missions of the FBI's Critical Incident Response Group is to provide training to select FBI personnel in the effective response to critical incidents. The FBI defines a critical incident as any situation, event, or set of circumstances that poses a serious threat, diverts significant resources, and/or demands command level coordination. Our training includes instruction on the NRP, as well as other national plans and policies, and the roles and responsibilities of the FBI in accordance with them. CIRG conducts this training on a regular basis for members of the Senior Executive Service, including FBI SACs, FBI middle management at the FBI's Executive Development Institute, and field division crisis management coordinators, who are the individuals within each field division tasked with ensuring the division's crisis response operational readiness. Additional training is afforded to all levels of FBI personnel through their participation in various interagency counterterrorism exercises, including the senior official and TOPOFF series of exercises.

The FBI's after-action review process of our involvement and performance in response to Hurricane Katrina is ongoing. FBI executives are also engaged in the Administration's review of the Federal Government's response to Katrina and continue discussions with other departments and agencies about ways to improve our response to such catastrophic events.

Thank you for the opportunity to appear today, and I would be happy to answer your questions.

Chairman COLLINS. Thank you. Superintendent Riley.

**TESTIMONY OF WARREN J. RILEY,¹ SUPERINTENDENT OF
POLICE, NEW ORLEANS POLICE DEPARTMENT**

Mr. RILEY. To Senator Collins as Chairman, Senator Lieberman as Ranking Member, and to all Members of the Senate Committee on Homeland Security, thank you for the opportunity to be here today to speak to you directly on behalf of the men and women of the New Orleans Police Department.

I am Warren Riley, Superintendent of the New Orleans Police Department. I was sworn in as Superintendent on November 28, 2005. When Hurricane Katrina struck, I was the second ranking officer under then-Superintendent Edwin Compass.

To begin, on Saturday, August 27, 2005, at about 7:30 a.m., I received a call from the Director of Homeland Security and Public Safety for the City of New Orleans, Colonel Terry Ebbert, and was instructed to meet him at City Hall as soon as possible. When I arrived at City Hall, I was met by Colonel Ebbert; Deputy Superintendent Steven Nicholas, the Assistant Chief for the Technical and Support Bureau; and Superintendent Edwin Compass. At that meeting, we were advised by Colonel Ebbert that Hurricane Katrina would, in fact, impact New Orleans in a drastic way. After a brief conversation with Colonel Ebbert, then-Superintendent Compass called for an immediate command staff meeting. We met

¹ The prepared statement of Mr. Riley appears in the Appendix on page 69.

with every commander and most of the assistant commanders of each district and major unit within the New Orleans Police Department. That meeting began at 10 a.m. that same Saturday morning.

We advised the command staff that Hurricane Katrina was expected to be a very severe storm—a Category 3 or 4—and we would possibly be in the direct path of the storm. We informed the command staff that Hurricane Katrina might, in fact, cause substantial wind damage and possible street flooding.

All commanders were instructed to, first and foremost, ensure their officers to provide for the safety of their families. As per instructions from then-Superintendent Compass, commanders were advised to be prepared for storm duty by 4 p.m. on Sunday, August 28. Vehicles were to be fueled and a limited number of vehicles were to remain in service. The remainder of the fleet was to be stored in prearranged, designated locations above ground where commanders believed they were safe and easily accessible. Those commanders who believed that they did not have within their geographic districts suitable parking facilities were instructed to place the vehicles in one of two designated parking garages in the Louisiana Superdome. Our own limited number of full-size SUVs remained in service.

On Sunday, August 28, we continued communications with all of the various commanders, assuring that all necessary actions were being taken in preparation for the storm. Later that day, Mayor Nagin announced a mandatory evacuation of all citizens in the City of New Orleans.

The responsibility of the New Orleans Police Department was to traverse all areas of the city with marked units, lights and sirens on, announcing through their public address systems that there was a mandatory evacuation, that all citizens must leave, must evacuate the City of New Orleans. Officers were staged at numerous locations around the city, where bus transportation was provided to transport citizens to the Louisiana Superdome. This effort continued until storm winds reached 50 to 55 miles per hour, at which time all officers were directed to relocate to their pre-staged locations to weather the storm.

On Sunday night, August 28, I, along with members of my staff and Assistant Superintendent Steven Nicholas, reported to police headquarters. We prepared to weather the storm with our staffs, all essential communications personnel, recruits, and other units, as well as civilian employees and some family members.

Strong storm winds began to roll in about 5:30 Monday morning. I was in my office on the fifth floor of police headquarters, and as I looked out of my window, I could see the wind. If you can imagine seeing the wind, that is how strong it was. I could hear the wind blowing, and I could hear the tornadoes coming—once, sometimes twice in an hour. I knew they were tornadoes because they sounded like a freight train passing. Sometimes that sound was too close for comfort.

As I was looking out of my window, the window started to leak. The ceiling tiles began to fall and the entire frame for the window blinds came out of the ceiling. At that point we all moved from offices into the hallways.

At about 7 a.m., I went down to the Communications Section on the second floor to contact my commanders and get a status report. When I walked into Communications, almost every dispatcher and 911 operator was crying. I asked one of the supervisors what was going on. She stated, "Chief, you have to listen in on the calls." I was given a headset.

I did not know that only moments earlier, the Industrial Street Canal levee breached and had an almost 200-yard opening and water was now pouring into the Lower 9th Ward. As I listened, I heard panicking mothers, fathers, husbands, wives, and children desperately pleading and begging for help. They were asking if there were boats or helicopters available. They had water rising in their homes. Some of them were stating the following:

"I can't swim."

"My babies can't swim."

"My husband has drowned, please help me."

"The water's to my neck. I can't swim."

"Oh, my God, the wind just blew my husband off the roof."

"God, please help me."

When the water hit the Lower 9th Ward, it went from nothing to as high as 14 feet within 23 minutes.

We had over 600 911 calls within the first 23 minutes. The calls came in as the streets flooded from west to east. Water flowed down the streets, from Jordan Road, Tennessee Street, Flood Street, and into St. Bernard Parish.

Understand, our 911 dispatchers and operators heard the desperate pleas for help, but they were powerless to assist. They could not dispatch officers because the weather conditions were too dangerous. We still had sustained winds in excess of 100 miles per hour. Pursuant to the Emergency Preparedness Plan, we cannot respond to emergency calls once sustained winds are greater than 55 miles per hour.

Around 9:30 a.m. that day, the levees in Lakeview breached, and more desperate calls came from citizens trapped in their homes. Later that morning, the water overtopped the levees in eastern New Orleans and then the London Avenue Canal breached.

As the day wore on, we learned that close to 300 police officers assigned to the Fifth, Third, and Seventh Districts were now stranded by flood water. Their vehicles were under anywhere from 8 to 13 feet of water and the officers had to be rescued. It took 24 to 48 hours to rescue all three districts.

We had over 80 off-duty officers stranded on rooftops and in attics for many days.

The Third, Fifth, and Seventh Districts were all located in three different medical facilities—two hospitals and a dental school—that were from six to eight stories tall. When the generator failed at one of the hospitals, the Fifth District personnel assisted medical staff in efforts to provide life support. The Fifth and Seventh Districts ensured that patients were evacuated from those medical facilities prior to leaving. The Third and the Seventh Districts had to be rescued due to high water. The Fifth District walked out in chest-deep water. All three of those units lost vehicles that were staged for their later use due to high water.

The First, Second, and Sixth Districts immediately began to respond to 911 calls and assist in rescue operations. These officers also secured heavy equipment from work sites throughout the area and began removing obstructions from major streets so that officers could respond. The Fourth and Eighth Districts, which did not sustain flooding immediately, deployed anti-looting units to shopping areas and businesses.

Using the three boats that we had, Special Operations Division began water rescue operations and responded to 911 calls. At this time, many officers, using their own personal boats, joined in to assist with rescue operations. The bottom line is we shifted from traditional policing to responding as search and rescue units. Our priority was to save as many lives as possible.

We had numerous calls for assistance from off-duty officers who were not expected to report to work until 4 p.m.

Let me give you one real example of what our officers went through. Very early in the morning, while the winds were still very strong, we received via police radio a call for assistance from Officer Chris Abbott, who lives in eastern New Orleans. Officer Abbott advised that he was in his attic, water was up to his chest, and the water was rising very fast.

He stated, "I'm getting tired. I don't know if I'm going to make it this time." Understand that Officer Abbott had been shot twice in the line of duty before.

Captain Jimmy Scott, Commander of the First District and former SWAT commander and now a Deputy Chief, began to communicate with Officer Abbott by radio. He told Officer Abbott that he could make it, to hang on. He asked Officer Abbott to find the attic vent. Officer Abbott stated that he was near the attic vent. Captain Scott instructed him to attempt to push or punch out the attic vent. Officer Abbott after several attempts stated he tried but he couldn't. He said again, "I don't think I'm going to make it. I'm very tired." He then began to thank everyone in the department for all that they had done for him.

At that time, Captain Scott asked if he had his weapon and if he had all of his rounds. Officer Abbott stated he had his weapon and all 45 rounds. Captain Scott instructed him to carefully fire each round into the base of the attic vent. Captain Scott advised him to use all of the rounds. There was then no response from Officer Abbott for about 5 minutes. Many officers who listened in continued to ask, "Chris, are you there? Are you OK?" But only silence. After about 5 minutes, Officer Abbott advised, "I'm halfway out, and I'm going to make it."

Imagine the joyful relief of the many officers listening in, including those who were stranded and in desperate situations themselves.

And this is only one of the many adversities and challenges that the men and women of the New Orleans Police Department overcame.

In closing, there are many other heroic stories that were never told and may never have an opportunity to be expressed.

Much has been said about officers abandoning their positions during the storm, and it is true that about 147 officers abandoned

their positions. However, they are no longer members of the New Orleans Police Department.

Our dedicated officers are still working hard every day. Eighty percent of our officers lost homes; families were displaced; some are living on a ship or in trailers or elsewhere, separated from spouses and children, and seeing their families only once every 3 or 4 weeks.

Admittedly, we did not handle everything perfectly. We hold ourselves accountable. We are working to ensure that lessons learned are implemented in our future Emergency Preparedness Plan.

But Madam Chairman and Senator Lieberman and all of the Members of this Homeland Security Committee, one thing you should know is that 91 percent of the members of the New Orleans Police Department protected, sacrificed, served, prayed, and stayed all the way through Hurricane Katrina and its seemingly endless devastation.

I am now prepared to answer any questions.

Chairman COLLINS. Thank you very much. Your testimony was both chilling and eloquent, and it prompts me to tell each of you how grateful this Committee is for the work of the men and women whom you represent and also how much we appreciate your personal commitment.

Our purpose here today is to learn the lessons of Hurricane Katrina. That is why we are here because we don't want what you just so eloquently described to happen again if we can possibly avoid it through better planning, through better coordination, through better communications. And the experiences of the first responders that you have just described are part of the reason that we are here. It is not just the victims in the traditional sense. It is the first responders who put their lives on the line time and again to rescue others, who suffered great injury and loss themselves. And it would be a disservice to them if we did not probe what happened and find out how we can improve.

Superintendent Riley, I am, therefore, going to start with you with my questions. Your description of the 911 calls that you listened in on really is so compelling and so chilling. People were going through so much. The crisis was so urgent. It prompts me to ask you whether you believe that the city should have issued a mandatory evacuation order earlier in the process.

Mr. RILEY. Well, in hindsight, yes. Prior to the storm—and we have gone through many over the years. A mandatory evacuation had never been ordered to the best of my knowledge. Why? I really don't know. Had this happened a little earlier, would it have made it easier and better? Yes. But, again, this is after the fact.

Chairman COLLINS. Last week, we heard truly compelling testimony that was deeply troubling about the number of nursing home residents who lost their lives, literally dozens who lost their lives because the nursing homes did not evacuate prior to the storm. And, indeed, the majority of nursing homes did not evacuate.

Were your officers given any direction by city officials to go check on the various nursing homes within your jurisdiction?

Mr. RILEY. No, we were not given any direct orders to do that, but we were advised to traverse the entire city, for our officers to advise through a public address system that everyone—it was a

mandatory evacuation, that everyone needed to evacuate the city. We did provide transportation to those who wanted to go to the Louisiana Superdome. But were we told to go to nursing homes? No.

Chairman COLLINS. Were you aware of any special planning by the city to make sure that nursing home residents were evacuated?

Mr. RILEY. No. My understanding is that nursing homes have their own evacuation plan, and we will assist them with that plan. But was it in the plans? Not that I know of.

Chairman COLLINS. It is my understanding that you were the chief of operations for the police department during Hurricane Ivan. Is that correct?

Mr. RILEY. Yes.

Chairman COLLINS. At that time, prior to Hurricane Ivan, you requested and received from the National Guard high-water vehicles to be pre-staged at police districts around the city. Is that accurate?

Mr. RILEY. Yes.

Chairman COLLINS. Did you make a similar request of the National Guard prior to Katrina to have five high-water vehicles and five boats stationed at each of the police stations around the city?

Mr. RILEY. That is correct. There was a conversation—I don't remember the ranking officer from the National Guard. I initially requested it through a lieutenant who was assigned to City Hall from the National Guard and asked them to place the vehicles—I don't remember if it was five or three—high-water vehicles at each district station and five boats at each district station. The lieutenant agreed. He put in the request.

I then received a phone call maybe a few hours later from a higher-ranking officer of the National Guard who basically objected to those boats being located at those areas.

I explained to him during the conversation, I said, "It's obvious we're going to get some water. We don't know how much. However, if we place them at all district stations, we can immediately deploy in those areas that are dry." And I also asked him, because as he stated, he wanted to keep all assets at Jackson Barracks, which is the National Guard compound. And I asked him how was he going to get to Algiers, how was he going to get to other areas of the city, and he basically stated, "I would prefer to keep all our assets here."

Chairman COLLINS. And, in fact, what happened is the barracks flooded, and access to many of those high-water vehicles was lost completely, was it not?

Mr. RILEY. I believe most of the high-water vehicles, if not all, were damaged or destroyed during the flood, and all the boats were lost, from what I understand.

Chairman COLLINS. If your request had been granted, do you think that would have improved your ability to do search and rescue as well as to evacuate your own force?

Mr. RILEY. Well, it definitely would have improved our ability to get to areas of the city that took us probably 24 to 48 hours to get to. We would have had five boats in the Carrollton area, which is uptown, which has not flooded before as it relates to a storm. We would have been able to address that and other areas more quickly, yes.

Chairman COLLINS. Thank you.

Mr. Vanacore, what was your understanding of the role and responsibilities of DHS under the Emergency Support Function, ESF-13, which is the public safety and security support function, prior to your being deployed to Louisiana?

Mr. VANACORE. Madam Chairman, prior to that, I had no real connection with that. I was deployed basically as a representative of ICE, not of DHS. My initial response was not for the Department but for my Bureau.

Chairman COLLINS. Although that support function was activated by FEMA pre-landfall, the decision to designate a senior Federal law enforcement officer was not made until September 4, which was almost a full week after landfall. Do you know why there was such a delay between when that support function was invoked and when a senior law enforcement officer was designated?

Mr. VANACORE. I don't know the exact reason why that would be. I know our response was predicated—we had people on the ground, and the Federal Protective Service was part of the ESF-13 process. But the designation didn't take place even—until I arrived on September 4. That was my first day in Louisiana.

Chairman COLLINS. Do you think that the delay between recognition that the support function was going to be invoked and the designation of an official was harmful in any way?

Mr. VANACORE. Madam Chairman, I don't believe so. I think that everybody on the ground was doing their job. We were law enforcement professionals. People were arriving and doing what needed to be done long before the designation was even discussed. I think DHS had significant numbers of people on the ground, as did DOJ, to try to help our colleagues in the NOPD. So I don't really believe harm was done.

Chairman COLLINS. There were actually two senior law enforcement officials who were ultimately designated. Is that correct?

Mr. VANACORE. That's correct. They were designated, but not officially designated. There was an indication that there would be a designation, but that never actually happened. We served in that function without official designation.

Chairman COLLINS. And who was the other individual who was the senior law enforcement officer?

Mr. VANACORE. SAC Michael Wolf from the FBI was my counterpart.

Chairman COLLINS. So we had a senior law enforcement officer designated by DHS and one for the FBI. Do you think that it would have been preferable to have one law enforcement officer designated as the senior official for purposes of control and command?

Mr. VANACORE. Madam Chairman, my opinion is that it is always better to have one person in the lead. I think in this particular case it worked with the co-leads because SAC Wolf and I worked very well together, had little or no conflict, and moved forward as we needed to. But if you are asking an opinion, I would say it is always good to have one field general.

Chairman COLLINS. Mr. Kaiser, what is your judgment on that issue?

Mr. KAISER. Well, I would echo what Mr. Vanacore said. I would tell you that Mr. Wolf and Mr. Vanacore worked seamlessly. As you

are aware, I was the tactical and crisis management coordinator for the FBI, and I, sitting from the outside, saw no conflict or struggle between the two. So I think they worked very well together.

It should be noted that I was contacted on Friday, September 2, by DHS and asked to be the law enforcement liaison to the consequence management side. At that time I could not fulfill that position because I was operating as the tactical and crisis management coordinator for the FBI, but I told them I would serve in that capacity until Mr. Vanacore and Mr. Wolf got there, which I did, in fact, do.

Chairman COLLINS. Mr. Vanacore, although I have no doubt that you worked very well on a personal level with your FBI counterpart, if you look through the documents, through the e-mails, there is considerable evidence that suggests there was a lot of tension between DHS and the Department of Justice on who was going to be the lead, who was going to be in charge. And I would like you to refer to Exhibit 6¹ in the exhibit book.

This document is a chain of e-mails among DHS personnel concerning whether or not the FBI is going to take over the Federal law enforcement response in New Orleans, and on the second page of the e-mail chain is an e-mail from John Clark, the Acting ICE Director, which reads in part, "Below are communications between ICE and DHS PAOs discussing the rumors that the FBI has now been designated to lead the law enforcement effort in New Orleans. I think DHS has one opportunity to turn this fiasco around. Having failed in many aspects on preparation, emergency assistance, and recovery, if we now turn our homeland security responsibility over to the FBI/DOJ, we might as well all await 3SR"—which I assume is a reference to the Second Stage Review.

There are many other e-mails in that chain. My time has expired, but I want to get your response to that. It looks like there was a debate between DHS, particularly ICE, and the FBI on who was going to be in charge, and there is in Exhibit 7,² an e-mail chain between you and Marcy Forman in which you write, "If we don't act, this is where we are going. DOJ is looking to run this whole effort. If we don't get a push from above, we are not going to be at the table."

Could you give us a better understanding of this tension between DHS and the Department of Justice?

Mr. VANACORE. Yes, Madam Chairman, I could try. Basically, if you look at those e-mail strings, they're both very early in the process. I think mine is on the first day I arrived, and Mr. Clark's is soon thereafter.

We were, I think, suffering some confusion as to what our role would be, whether DHS would be part of the senior Federal law enforcement official function or not. We had a significant number of assets down there, I think by then over 1,000 people on the ground. And I know that in my response, I knew that we needed a place at the table because of the significant amount of assets there.

I think in the field what was actually happening—didn't have a problem, there were no problems at all in the field, and the higher-

¹ Exhibit 6 appears in the Appendix on page 106.

² Exhibit 7 appears in the Appendix on page 109.

level one, Mr. Clark's memo, did not even include field people. So whatever tensions were being felt at the DHS supervisory level weren't being felt between SAC Wolf and myself.

I think as was said, we worked well together. Once everybody got on the ground and started working together, it was apparent that it really didn't matter who was in charge, and we had many conversations, SAC Wolf and myself, in which it was, I think, apparent to all of us that had he been designated and I was co or deputy, it would have still worked.

So the tension might have been above. We thought we needed a place at the table. I don't think we wanted to have an all-DOJ response because of the significant assets we had there. It was just a matter of making sure we controlled our own destiny.

Chairman COLLINS. Was there a feeling that if it is a terrorist attack, the FBI should be in the lead, but if it is a natural disaster, the Department of Homeland Security should be in the lead?

Mr. VANACORE. I think it was clear on a terrorist attack it would be the FBI in the lead and there would have been no dissension at all. On a natural disaster, I think it was less clear as to who should be in the lead, so the co-designation, I think, was the compromise for that.

Chairman COLLINS. Thank you. Senator Lieberman.

Senator LIEBERMAN. Thanks, Madam Chairman.

Mr. Vanacore, let me say to you first that both in my opening statement, which was critical of the Department of Homeland Security, and in any questions that I ask now, my own conclusion based on what our staff has said is that you really performed extremely well in response to Hurricane Katrina, but my conclusion is that you and a lot of others were put in an untenable position in this sense: The very fact that when you are sent down there, as Chairman Collins' line of questioning just elicited, it is not clear whether you or the FBI agent in charge at the scene is in charge—the FBI agent on the scene for DOJ is in charge. I mean, it is really, to me, frustrating, outrageous that the two departments didn't work that out long in advance of a disaster striking so that when you went, you would know exactly what your authority was, and so would the lead person for the Department of Justice.

The other thing I want to do is to thank you for your candor, both in the interview that you had with our staff prior to testifying today, because unless we have that kind of candor, we are not, as a Committee, going to be able to understand exactly what happened, and neither we nor you all in the Department of Homeland Security are going to be able to make it better.

You in the interview with our staff, I think, made some very important points, some of which you have spoken to already, today. You told our investigators that ICE had not prepared for Katrina because it had not been designated in advance as a response agency under the NRP. I am going to quote from page 108 of the transcript of your interview with our staff: "While the NRP may call on DHS, it didn't call on ICE. And I think ICE stepped up and took on a role that nobody defined for us up until that point"—which was Katrina. "Nobody told ICE, 'This is your role.'" I mean, that is really incredible and unacceptable.

I want to read from some of your comments in that interview with regard to the NRP, on page 8. "I had a fleeting familiarity with it. To be honest, it wasn't something that was high on my radar screen with my particular responsibilities." Obviously, you were doing other things.

On page 35, during your first 3 days in Baton Rouge, "A lot of it seemed to be in a foreign language because the whole National Response Plan had a language all its own, which I had never heard up until that point." That is correctly a quote from you, am I right?

Mr. VANACORE. That is correct.

Senator LIEBERMAN. Thanks. When you were put on stand-by on September 2, which was Friday after the hurricane hit, "I was told that I would probably be going down in some capacity for ICE, but nobody was sure what that capacity would be."

As of September 3, which is Saturday, "I still didn't know what my role would be, but I did know that I was to coordinate the ICE efforts, to work with the Federal Protective Service and the ICE agents who were on the ground to make sure that we had a flow of information back and forth."

And then at page 33 and 34, with respect to the question of who was the lead agency for the Federal Government in charge: "No one had stepped up to take the lead. There was nobody who's stepping up to say, 'I'm in charge,' and I don't think that any of us had the authority to step up and say, 'I'm in charge.' Hence, I think the need for some sort of designation." Correct?

Mr. VANACORE. Correct, sir.

Senator LIEBERMAN. Page 50, processes were not in place for coordinating the chains of command among State, local, military, National Guard personnel; page 89, that as of September 6, 2 days after your arrival, you did not know whether you were there "to coordinate ICE or to coordinate all of DHS." Right?

Mr. VANACORE. Correct, Senator.

Senator LIEBERMAN. Thank you. And of ICE, you said, "I think we're primarily a law enforcement investigative agency." And that is certainly what we think of you on this Committee. "That is where our focus is. We do investigations. We really did not, up until that point, have a focused role in a natural disaster response." That is at page 8. I am going to ask you to speak a little more about that, if you would.

Mr. VANACORE. Sure, Senator. Basically, as you know, Immigration and Customs Enforcement, we have 6,000 Federal investigators, 1811 series, that investigate crimes. We have the Federal Protective Service, which does have a role, and a big role, in the ESF-13 and in disaster response. But my particular background was as an investigator.

As an investigator, our training doesn't focus on local policing, which is what the response ended up being. So we were doing something that we really hadn't been prepared for prior to that. I think with all that we stepped up and still did what needed to be done, but I don't think it was something that any of us thought would be a defined role for us under Homeland Security.

Senator LIEBERMAN. Yes, and were you actually performing law-and-order functions there?

Mr. VANACORE. We were patrolling with the New Orleans Police Department, we were patrolling the streets, and we were doing search and rescue—both.

Senator LIEBERMAN. Right. And then, finally, at page 108, you indicated that you—and correct me if I am not quoting you. You do not think ICE investigators should fulfill this function because, “I think we”—meaning DHS—“have uniformed people who would be much better equipped to respond to that sort of thing than taking ICE investigators.” Correct?

Mr. VANACORE. Well, it was my opinion that we were better served with the FPS people who were in uniform and perhaps the Border Patrol people, who are also uniformed and were trained in patrol functions, as opposed to investigators.

Senator LIEBERMAN. That is a very important point because the ICE personnel that were there are not uniformed personnel.

Mr. VANACORE. That’s correct, Senator.

Senator LIEBERMAN. So that when you were helping the New Orleans Police patrol, they were not in uniform.

Mr. VANACORE. Other than the Federal Protective Service, who are uniformed.

Senator LIEBERMAN. Correct.

Mr. VANACORE. The investigators are not. Plainclothes force.

Senator LIEBERMAN. Correct. I thank you for that.

Do you know at this point whether there has been any post-Katrina clarification within DHS of either ICE’s role in disaster-related law enforcement function, public safety function, or the designation of anybody else in DHS to play that role next time around?

Mr. VANACORE. I know they are doing some type of lessons learned. I have been called in to the ICE people who I think were submitting things up to the Department on lessons learned. So I assume there will be a report coming out in the future on what our role will be.

Senator LIEBERMAN. OK. I thank you again for what you did in a very tough situation, and it is really disappointing not only that it was not done before Katrina hit landfall, but, frankly, that it seems like not that much has been done since. Again, we will want to ask the folks in the Department when they come in later.

Mr. KAISER, thanks for being here. Am I correct that you ended up involved in New Orleans, basically, as a result of your volunteering, your calling?

Mr. KAISER. Yes, sir. I’d been assigned not only as the SAC in New Orleans from 2001 to 2003, but I also served as a first office FBI agent in 1982 through 1984. So I had a lot of friends in numerous departments and Federal agencies down there and also the FBI office there.

Senator LIEBERMAN. So that when you saw, obviously, the disaster that had occurred, if I understand correctly, you got on the phone or maybe you e-mailed Director Mueller and said you were prepared to go down if necessary?

Mr. KAISER. Yes, sir, I did.

Senator LIEBERMAN. And then am I right that he got back to you almost immediately and asked you to get there as soon as you could?

Mr. KAISER. Yes, sir.

Senator LIEBERMAN. And then you got in your own vehicle and drove down there.

Mr. KAISER. Yes, sir. The reason why I drove down there, we tried to get flights down to that region, and there were no flights available. We went through the travel service, what we usually do. The Bureau aircraft was tied up until 6 p.m. at night, and there were no landing lights in the city of Baton Rouge. So they couldn't fly me until the next morning, so the quickest way to get down there was to drive all night, which I did with three other agents that drove with me.

Senator LIEBERMAN. From Boston?

Mr. KAISER. Yes, sir.

Senator LIEBERMAN. And that was Monday night?

Mr. KAISER. No, sir.

Senator LIEBERMAN. Or was it Tuesday?

Mr. KAISER. I left Wednesday about 3 o'clock and got there Thursday in the morning.

Senator LIEBERMAN. Right. And was Special Agent—first off, I admire you greatly and appreciate that you took that initiative yourself. And that was, am I right, from our staff record, a 26-hour drive?

Mr. KAISER. Yes, sir, it was.

Senator LIEBERMAN. When you got there—I just want to make it clear—was Special Agent Wolf there already?

Mr. KAISER. No, he was not. Special Agent in Charge Wolf did not arrive until Sunday evening, September 5.

Senator LIEBERMAN. Right. So at that point you were effectively the lead agent for the Department of Justice?

Mr. KAISER. I was the tactical and crisis management coordinator for the FBI.

Senator LIEBERMAN. Right. I accept that.

As far as you know, was anyone else on scene playing the lead officer role for the Department of Justice at that point when you arrived?

Mr. KAISER. Yes, sir, there was. There was a Special Agent in Charge of Alcohol, Tobacco, and Firearms. His name was Jerry Tate. He was there. And there was also two Special Agents in Charge from DEA. There was Jim Craig from the Houston Division and Billy Renton, who was the DEA SAC in New Orleans that was there.

Senator LIEBERMAN. Let me ask you this in terms of the NRP, and I suppose it would be unusual if you had had any involvement in the discussions in the Department of Justice or FBI about how to handle responsibilities under the NRP because you were up in Boston. But I just wanted to ask you, did you prior to the Hurricane Katrina landfall?

Mr. KAISER. Am I familiar with the NRP?

Senator LIEBERMAN. Yes, and—well, I guess I will ask you that first. Were you familiar with it at that point?

Mr. KAISER. Yes, sir. I was trained by DHS as a Principal Federal Official, and in that training, I received training in the NRP.

Senator LIEBERMAN. And that was earlier in 2005?

Mr. KAISER. I believe it was 2004. In the fall of 2004, I received that training.

Senator LIEBERMAN. OK. So it probably was under the predecessor to the NRP.

Mr. KAISER. Right.

Senator LIEBERMAN. But you had a similar role. But you had not been involved during 2005 in any discussions at national FBI or Department of Justice about how the Department would handle their responsibilities under the NRP?

Mr. KAISER. We received training on the NRP, but personally, I didn't deal on a day-to-day basis with the NRP.

Senator LIEBERMAN. Right, or this question I am trying to get at as to whether anybody in DOJ was getting ready for a disaster if it occurred. I appreciate that you got the training, but, again, it is not clear to me, from what we see, lines of authority were clear.

I want to just quickly refer you to Exhibit P in the book,¹ and on the third page of that exhibit. This is a memo dated September 1, 2005, which was the Thursday of the week of the hurricane hitting on Monday, to Ted Ulyot, Office of Attorney General, and Bill Mercer, Office of Deputy Attorney General, which comes to us from Mr. Mercer's files. And it appears to be a memo written on that day which is a kind of briefing on DOJ's responsibilities under the NRP. And on it, somebody has written in the margins, "Who activates?" On the last page next to the caption "Responsibilities: ESF Coordinators, Primary Agencies," someone has written in the margin, "How are these designated and by whom?" We would assume that is the handwriting of the Principal Associate Deputy AG Mercer, but we have not been able to get a response to our questions as to whether that was his handwriting. But let me just say we have the same question, which was who was in charge and who determined which agency between DOJ and DHS had the lead for carrying out the law enforcement responsibilities.

I don't expect you to be able to know, unless you happen to know Mr. Mercer's handwriting, whether that is his writing. But the point I want to make, even though you have been through the training, is I presume you were not in a position to answer that question about who activates the FBI and DOJ's role under the NRP or who decides who has what responsibilities.

Mr. KAISER. No, sir, I was not.

Senator LIEBERMAN. Thanks, Special Agent Kaiser. My time is up, and I look forward to more questions on a second round. Thank you very much.

Chairman COLLINS. Thank you. Senator Levin.

Senator LEVIN. Thank you, Madam Chairman.

Mr. Riley, let me ask you questions about the communications capabilities, the interoperability, the lack of interoperability, a number of questions relating to loss of communications.

In what specific ways did the loss of communications capabilities negatively impact the ability of first responders, Federal authorities, and the National Guard to respond?

Mr. RILEY. Well, it was a tremendous hindrance, and the fact that myself or any of the other chiefs, we could not command or

¹ Exhibit P appears in the Appendix on page 122.

give directions or instructions to our commanders that were out in the field. We could not communicate with Federal authorities or any adjacent law enforcement agencies. So it was, in fact, the primary cause of all of the dysfunctions throughout this entire event.

Senator LEVIN. How would the response been different, if it would have been, if Federal, State, local authorities, and the National Guard had interoperable communications? In other words, was this mainly a problem of lack of interoperability, or was it mainly a problem that the batteries went dead and the electricity went out?

Mr. RILEY. No, the problem with our communications systems was that one of our towers, due to damage from the wind, one of the microwave—it damaged the microwave dish as well as the generator. This tower was in the Central Business District. It is on a building that is 44 stories high. That generator was, in fact, repaired by an engineering company, and two of our people who had to walk 44 flights of stairs, bringing fuel to the generator, as well as working on it and maintaining that every day once we were there. But when that tower went down, it forced us to go to a mutual aid channel. This mutual aid channel was a talk-around channel that after a couple of days allowed us to actually transmit. But it was radio to radio, and it could only transmit to a distance of 1 to 3 miles, depending on what type of obstacles were in the way. So it was only direct communication.

The problem with that was not only were our police officers on that channel, so was Jefferson Parish, an adjacent parish. So the ability to talk was hindered because there was so much traffic once it went down.

Senator LEVIN. So that if that tower had stayed up, there would not have been a problem that would have been caused by lack of interoperable equipment?

Mr. RILEY. Well, it still only allowed—it is still a lack of interoperable equipment, yes.

Senator LEVIN. So now if that tower had stayed up, how would the lack of interoperable equipment have been a problem?

Mr. RILEY. Well, it would not have assisted us as it relates to interoperability with the Federal agency. That would not have assisted us. It would have only assisted us with the ability to communicate to our own people and to our adjacent parish, Jefferson Parish. We still would not have had the ability to communicate with the Federal authorities.

Senator LEVIN. Published reports indicate that communications capability suffered because some first responders in New Orleans were using radios that would only accept rechargeable batteries. When these batteries lost power, there was no way to recharge them because of the electricity shortfall. Was the possibility that New Orleans would totally lose power as a result of a catastrophic event like Katrina ever considered so that there would have been back-up batteries rather than relying on rechargeable batteries?

Mr. RILEY. Those batteries did not have a major impact. It did impact us to some degree, but that was rectified shortly after because we had generators, we had terminals that would house or charge anywhere from 15 to 20 batteries. So our radio shop came

out. We were able to get that up and running within a day or so. But that wasn't the real issue. The tower was the real issue.

Senator LEVIN. Were you present at the Superdome either on Monday or Tuesday when the mayor discussed the city's needs for assistance with FEMA officials?

Mr. RILEY. No, I was not.

Senator LEVIN. Were you aware of any requests from the city of New Orleans for assistance in providing food and water to the Convention Center?

Mr. RILEY. No, I was not. The Convention Center was never a part of the original plan. That evolved. On day two, our headquarters, for instance, on that Tuesday, our basement had 16 feet of water. Our first floor had 3 feet of water. We had to evacuate our headquarters, which was almost 400 police, civilians, and family members. We had to evacuate by boat. We had to shut down headquarters. And one of our officers recommended that we go to the Convention Center to house those people, those officers as well as those civilians from headquarters.

That officer went over and attempted to get that for housing, which the officials from the Convention Center did eventually agree to do later that evening. Now, this is on Tuesday. We were actually getting that for police officers. I believe that OEP or the mayor also had requested the Convention Center, that it be used.

The problem was that we could no longer bring people to the Louisiana Superdome because the water was 4 to 4½ feet around the Superdome. So we needed another location. Initially it was for police officers, but hotels began to basically eject citizens from the hotel because they were short on staff and other reasons. So we had citizens from all around this country who were now stranded on the street, and we began to then direct them to the Convention Center.

So it evolved. Initially it was only for 300 or 400 people, but over about a 30-hour period, they had 12,000 or 14,000 people there.

Senator LEVIN. I take it you were not present at the State Emergency Operations Center in Baton Rouge on Wednesday when General Honoré met with Governor Blanco. Is that correct?

Mr. RILEY. Correct.

Senator LEVIN. You were not there. Do you have any understanding as to whether and when the State requested Federal active-duty troops?

Mr. RILEY. No, I do not know when that happened, but if I remember, sometime on Wednesday it was my understanding that we would have troops that were coming in very soon. I don't know how the request came about.

Senator LEVIN. All right. Or whether there was any misunderstanding or problem relative to that?

Mr. RILEY. I am not aware of that.

Senator LEVIN. There were media reports on Wednesday of a large number of people at the Convention Center without food or medicine. The Convention Center was not secured until late Friday morning, and food and water were not provided until Friday afternoon.

From your perspective, what took so long since everybody knew the Convention Center had a major problem Wednesday night? What was the reason from your perspective for that delay?

Mr. RILEY. I have no idea. I can tell you our toughest times among the men and women of the New Orleans Police Department was that we expected assistance quickly.

Senator LEVIN. From?

Mr. RILEY. From the National Guard, from Federal authorities. Now, the FBI and Homeland Security did come in. Their officers did assist. But as it relates to food and water, those requests were made because, when I checked with OEP concerning food and water for the Convention Center, they stated that a request was made. We expected that food, I believe on Wednesday evening or Thursday. It was not until the military came in on Friday. We assisted them with setting up a perimeter. And even with setting up that perimeter, it still took several hours for the food to arrive, and that was a very difficult time to watch our citizens with no food, no water, and a very bad situation.

Senator LEVIN. You say you expected the Guard and the active-duty military to come in before Friday. What was that based on? Did someone tell you they were coming in on Wednesday or on Thursday?

Mr. RILEY. No, we knew that the President had signed that disaster declaration, I think 24 or 48 hours before. Based on information from OEP, being in meetings in City Hall where our original OEP was, and talking to some National Guard people, we expected a large number of National Guard soldiers to come in.

Now, on that Tuesday night, I believe Louisiana National Guard from northern Louisiana came in—I don't know how many it was—and some National Guardsmen came in the next day from Oklahoma. So they did come in.

I do have to state one thing, and hopefully I am not getting off track. The National Guard from, I believe, northern Louisiana came in, and it is not in any of my statements, but we had about 600 or 800 people on the interstate that had been pulled from water over a 2-day period. It was 2 o'clock in the morning, and we requested—it was requested by one of our lieutenants that we get transportation to get them off. And there was a Guard unit by the Convention Center with at least 30 or 40 trucks that we requested to assist us in getting citizens off that bridge. And the general who commanded that unit as well as a colonel denied that request.

Senator LEVIN. Was that the Louisiana National Guard?

Mr. RILEY. I believe they were from—they said they had just driven—drove in from northern Louisiana, so 5 hours from, I believe, Natchitoches, Monroe, somewhere in northern Louisiana. But I have to say that was a disappointment because they were there and we did not get that assistance.

There was a liaison in City Hall, in OEP, from the National Guard, who I believe—that advised us that we would have assistance from the National Guard. We did not know the 82nd Airborne were actually coming in until a few hours before they landed. And when they came, they were outstanding when they arrived.

Senator LEVIN. The failure of the Guard to respond to that request, I take it when you say it was a disappointment, that is probably an understatement in those circumstances?

Mr. RILEY. I can tell you when I met with probably 100 to 200 officers, it was probably the first time that I probably broke down a little bit because I advised them it looks like we're on our own, that we have to do this on our own.

Senator LEVIN. Thank you. Thank you, Madam Chairman.

Chairman COLLINS. Thank you. Senator Warner.

Senator WARNER. Thank you, Madam Chairman.

Let me pick up on that because we have had, under the leadership of our distinguished Chairman and the Ranking Member, a remarkable series of hearings here, and we are still trying to get all the facts that are helpful to guide us for the future. But generally speaking, I have felt that the testimony, which reflected on the participation by the uniformed individuals, both the Guard and the active forces, that they tried to fulfill their missions as best they could, and on the whole they did a reasonably good job, if not a splendid job professionally. You pointed out one disappointing chapter, but can you speak in generalities as to your impression of the contribution made by the Guard, whether they are Louisiana Guard or Guard from many other States, that came and responded together with the active forces?

Mr. RILEY. I would have to say overall that the National Guard from Oklahoma, Puerto Rico, Louisiana, that they did in fact do an outstanding job. The young Guardsmen were enthusiastic, energetic, and were more than willing to help. Some of the delays were with the command staff not being able to make an instant decision, and some of those decisions unfortunately took several hours. But other than that, when the National Guard performed, they were in fact very good.

Senator WARNER. I cannot speak to knowledge about the indecision, but I do understand the military quite well. They were probably waiting for clarification from a higher level authority to execute their orders. I know General Honoré, who we will be privileged to have as a witness here—I believe it is on Thursday—in my one visit down there I had the opportunity to speak with him, and I watched him, as did all America. I think he discharged his duties, and I think at times he did not try to get too much guidance from up above, he made his decisions there on the ground like a fine military commander that he is, and we are very proud of him.

Back to the question raised by my distinguished colleague, Senator Levin. Senator Levin and I had the opportunity, as you did, to meet with the Commander of NORTHCOM when he visited here a few days ago. I spoke with him about—he is the Commander, as you know, of all the military forces in the United States that lend assistance under these situations, that is, the active forces. We talked specifically about communications, and he left with me a request for some funds which I will, in consultation with my colleague from Michigan, the Ranking Member of the Committee on Armed Services, we are going to address the authorization and, hopefully, the eventual appropriations of a package of communications equipment, such that if this Nation is faced with a similar problem, the military will at least have pieces of equipment that

can come in, and do not rely in any way on local power sources or local antennas. It can be put up and provide communication to all those who have access to that system.

But when the military came in, they, obviously, brought such equipment as they had for communication. Were you able to access that?

Mr. RILEY. I can tell you that we had some mobil communications systems that were set up in various parts of the city that did improve our ability to communicate, but, honestly I don't know where they came from. They could have been military.

Senator WARNER. To a different question. One of the issues that the Congress is looking at, as well as the Executive Branch, is the age-old doctrine of posse comitatus. I address this question to both Mr. Kaiser and Mr. Riley. And as you may know, that is embedded in the laws of the United States from about the middle 1800s to this point in time. It simply states that the men and women of the armed forces, the active armed forces, as distinguished from the National Guard, the active armed forces are, for historic reasons and valid reasons, not authorized to participate in local law enforcement.

In this situation we learned an awful lot, and we had times when the uniformed National Guard were working with units of the uniformed regular forces. And to some extent, there were occasions that they were involved in trying to assist local law enforcement officers in carrying out their missions as law enforcement officers. The Guardsmen were able to render such assistance as the local law enforcement either asked for or they performed on their own initiative, but the active forces had to literally stay at a distance and not involve themselves pursuant to longstanding law and regulation.

Did you know of any instances where that posed a problem when the active forces were not able to actively work with law enforcement in carrying out their duties?

Mr. RILEY. I can tell you there were several situations where the 82nd Airborne, they would see things and hear things in certain locations that they were guarding or protecting, and they would have to call us. And then when NOPD would arrive 5 or 10 minutes later, that situation had dissolved or that person had disappeared. There were times when those soldiers wanted to respond to things, but could not respond.

Senator WARNER. When you say "things," we are preparing a record and people are following this. "Things" meaning what appears to be violations of local law.

Mr. RILEY. Well, people were looting or breaking into a place, where they would call and advise us because they could not—

Senator WARNER. You mean the uniformed 82nd would call and advise you that we are witnessing infractions of local law.

Mr. RILEY. People breaking into a building or something like that.

Senator WARNER. Right.

Mr. RILEY. I think in a situation such as this, one of this magnitude, it certainly would help if they could in fact take action.

Senator WARNER. So there were times when they were in a position, the regular forces, to observe breaches of law, and had they

had the authority to respond, they might have been able to step in and alleviate that situation or contain it until the arrival of either the Guard or local police?

Mr. RILEY. Yes.

Senator WARNER. And it is your professional judgment, if they had the ability to get a waiver, given the extenuating circumstances of this, it would have been helpful?

Mr. RILEY. Yes, sir.

Senator WARNER. That is very interesting.

Mr. Kaiser, can you amplify on this at all in your experience?

Mr. KAISER. Well, sir, I would say that's a subject that's been debated quite a bit. But I would tell you that we did have those discussions with the U.S. Attorney there in the Eastern District of Louisiana and the Middle District of Louisiana, and there were some concerns about U.S. soldiers who were not trained in law enforcement functions performing law enforcement functions.

Senator WARNER. You are talking about the regular Army and not the National Guard?

Mr. KAISER. Right. Now, the National Guard does have, in fact, some detachments, such as military police, that their full-time job is a police officer for a town or a State. There was less concern about that, but full-time military. There was concern that they weren't trained in law enforcement and it might create some problems.

Senator WARNER. Back again to your original observations. You all discussed the posse comitatus doctrine with the U.S. Attorney, which is quite appropriate.

Mr. KAISER. Right.

Senator WARNER. And you were advised that the regular forces could not participate in law enforcement. I guess my question is, do you have an opinion similar to that of Mr. Riley, where regular Army were at a place to observe crimes taking place, but there were no associated units of either Guard or local police, and had they had the authority to step in, they might have been able to curtail some of the looting and other things?

Mr. KAISER. My opinion, and certainly not the FBI's, but my opinion that if a crime was committed in their presence that they observed, yes, it would have been beneficial if they could have made the arrest, instead of having to call the NOPD or other agencies.

But beyond crimes committed in their presence, I personally would have some concerns over that.

Senator WARNER. I think that answer is very helpful. I thank the Chairman.

Chairman COLLINS. Thank you.

Senator LEVIN. Will you yield for one minute? I just want to applaud Senator Warner on the initiative that he made reference to in the Armed Services Committee, and I will join him in his leadership on that. I would point out, as I think we all know on this Committee, that both Chairman Collins and our Ranking Member have worked hard and indeed succeeded in getting a significant authorization for interoperable equipment for first responders. So between that success that they have had and the leadership that they have shown for the first responders and the program which you

have just outlined, I think, hopefully, that there will be some real significant improvement on the interoperability, but I just wanted to both thank our Chairman and Ranking Member for the leadership that they have shown here, as well as you.

Senator WARNER. I thank my colleague. It will be a joint decision that you and I have to make because it is not in the President's budget, and we have to get it in.

Senator LEVIN. That is not what we will call "pork."

Senator WARNER. No. Thank you.

Chairman COLLINS. Mr. Riley, I just want to follow up on a few issues that have been raised. We had testimony last week from Mayor Nagin about his decision to open the Convention Center on Tuesday, August 30, and Senator Levin referred to the fact that neither food nor water were pre-staged at that location.

What I want to ask you about is security. When the Mayor made the decision that because of conditions at the Superdome he was going to open the Convention Center, did he talk to you first about how security could be provided?

Mr. RILEY. No, the Mayor did not talk to me directly. I believe he talked to Colonel Ebbert, if I remember correctly, and Colonel Ebbert inquired on how would we secure the facility. So I believe, if I remember correctly, it came from Colonel Ebbert.

And what we initially had done was to send 35 officers from our 8th District, which is not far away from the Convention Center, and a couple of days later we added 40 officers from the 3rd District.

Chairman COLLINS. Initially at least, those officers were staged outside the Convention Center.

Mr. RILEY. Yes.

Chairman COLLINS. Could you explain that to us? It seems that you would want to have them inside where the evacuees were.

Mr. RILEY. Well, we didn't. What we did was we had a SWAT team that made routine patrols through the Convention Center, periodic patrols through, and also when there was a complaint. Sometimes people would call in once cell phone service was back up, call in and state that there were certain types of incidents that went on.

We did not stage our officers there because we did not have a significant enough—our Convention Center, I believe, is the second or third largest Convention Center in the world. It would be impossible for us. We would have needed probably 400–500 officers to cover that entire situation, and in fact, because there were so many people in there and it was spread out so far, it wouldn't have been a wise decision for us to put officers inside, but we did in fact have them outside just across the street, and that was a decision I made.

Chairman COLLINS. As we discussed earlier, there were reports of crimes that turned out not to be true.

Mr. RILEY. Yes.

Chairman COLLINS. I am not asking you to comment on media comments made by your predecessor, but suffice it to say that those, in some cases, exacerbated the rumors that were flying around by giving them credence. The rumor to control or the failure to control these rumors had true consequences. They led, for example, to FEMA's decision to withdraw its medical teams from

the Superdome. In another situation, they led to FEMA's decision to temporarily suspend its search and rescue mission at a critical time. Now, one can criticize FEMA for making those decisions, and indeed, I have, but the fact is that if there had been a better situational awareness of what the crime situation was, neither of those actions would have been taken.

In the future, what do you think should be done to control the rumors of lawlessness that occurred in the situation in New Orleans?

Mr. RILEY. Well, what we actually did, once we learned that the rumors were rampant—because we didn't have radio, television—my first time, actually, hearing about some of those rumors was actually my daughter calling me from Houston, saying that, "Daddy, leave. You're going to get killed," and other rumors, that our police were being shot at.

What we will do in the future, and what we should have in fact done this time, but it was very chaotic, is we should have a press conference two to three times a day to put our own message out, to ensure that the public, the citizens, the world, whoever is watching, that they know exactly what's going on and not be confined to listening to rumors.

Chairman COLLINS. I absolutely agree, and I think that would have really helped in the situation. One final question for you. You were facing a situation where although many of the reports of violent crimes fortunately proved to not be true, there was considerable looting. You did not have a jail to put the looters in once they were caught and arrested. What did you do when looters were arrested?

Mr. RILEY. Well, in the early stages, the looters were basically—the property was taken and warehoused. The looters' names were in fact taken in most of those cases, and we will, in fact, turn that over to the District Attorney's office. We will put some of those subjects out wanted based on the information that we have on them.

But about 4 or 5 days, or maybe 3 or 4 days later, I actually assigned Captain Bryson to begin looking for a facility where we would begin to house people. One of the majors of the department, Major Burkhardt, contacted the Department of Corrections, the State Department of Corrections, and they actually came in and took over an Amtrak bus station, fenced it, and we then began to house arrestees. But this, unfortunately, probably was—I'm guessing, I don't remember—probably 6 or 7 days later.

Chairman COLLINS. Initially, if the individual was not caught committing a violent act, but was just looting—I mean looting is terrible—did you have any choice but to let them go?

Mr. RILEY. At that point we did not, and if a person committed a violent act, then we contacted adjacent parishes to see if they could in fact hold the arrestee.

Chairman COLLINS. I think that's another lesson learned from this catastrophe, is that we need to anticipate the need for a back-up facility out of the flooded area. You would agree with that?

Mr. RILEY. Yes. I agree. I think that we have to—it depends on where the storm comes from. That could be 5 miles away or it could be 150 miles away. It really depends on the devastation.

Chairman COLLINS. Mr. Kaiser, just one final comment and question for you. Senator Lieberman and I, being from New England, have been struck by how many of the emergency response team members from various agencies were sent from New England to Louisiana. We had Phil Parr from FEMA Region I in New England. We had Marty Bahamonde, who was the first person on site in New Orleans, who was sent from Boston. We have your situation where you had some previous experience, unlike many of the other players. While we are convinced that people from New England have special qualities that enable them to adapt to any situation, it does raise an important point.

You told our investigators that, "You have to bring people down that are familiar not only with the area, but the culture, too. You have to know people, and they have to trust you if you want to get anything done down there." I think that is true of most regions in the country.

So my question is, as part of our recommendations, should we have teams that know the area, have either lived there, live there now or served there, ready to go when a catastrophe strikes, so that you are not cobbling together individuals, regardless of their expertise, but cobbling together teams from all over the country, who may not know the geography, the decisionmakers, the local customs. Would it be better to have these teams that were either sited in the region or at least had experience with the region?

Mr. KAISER. Well, my opinion, yes, it would be. When I arrived down in New Orleans and in Baton Rouge, I was familiar with Warren Riley, the former chief also of NOPD, Eddie Compass. I knew the colonel in the State Police. I knew the head of Homeland Security there for the city, Terry Ebberts. So I knew most of the Federal agency heads there, so I was very familiar with those individuals. And they knew me because I had served down there on several occasions, so it made an easier transition for me to come in there and help them out.

So, yes, to answer your question, I absolutely think it would be beneficial to have someone from the area that knows the area and the people down there that he's going to be dealing with.

Chairman COLLINS. Thank you.

Mr. Vanacore, my final comment to you is I want to acknowledge the fact that you delayed or gave up a trip to China in order to be here today, and ironically, the last time you were supposed to go to China, Katrina hit.

Mr. VANACORE. Correct.

Chairman COLLINS. And you were unable to go then as well. We hope you do not consider testifying before us to be the kind of catastrophe that Katrina was, but we look forward with interest to know when your next trip to China is scheduled. [Laughter.]

Mr. VANACORE. I'm not sure I should comment on that. [Laughter.]

Chairman COLLINS. I think you are right. Thank you for your testimony.

Mr. VANACORE. Thank you.

Chairman COLLINS. Senator Lieberman.

Senator LIEBERMAN. Thanks again, Madam Chairman.

Superintendent Riley, thanks very much for your testimony today. Thanks for your service during the storm and since to New Orleans. Your opening statement was very powerful, and it really brought me—and I know Chairman Collins, based on what she said—back to why we are here. Memories are short, but you reminded us of those officers stranded on rooftops, that Officer Abbott, really close to death, miraculously making his way through it, and a terrible lack of communications in the midst of all that, as you discussed with Senator Levin, with people calling those 911 calls, fear of drowning and death, and a limited ability to get done what you needed to get done. I just have great admiration for what you did in spite of and in the midst of all that.

I have been asking everybody who has come from New Orleans, I want to just ask you for the record—you referred to it in your opening statement—exactly when did you know that the levees had broken in New Orleans on that morning of August 29, to the best of your recollection?

Mr. RILEY. Somewhere between 7:15 and 8 o'clock, something like that.

Senator LIEBERMAN. Do you remember how you heard?

Mr. RILEY. I was in communications, and actually, the citizens were calling in, but it was a police officer who stated that the levees had breached, the Industrial Canal levee had breached.

Senator LIEBERMAN. It was pretty early and that confirms the other evidence, information we have heard, although a lot of others, unfortunately, did not hear until later as the day went on. I wanted to ask you also, just so I understand clearly, at what point, if you were in a position to do this—because you were not a superintendent at the time—did you express to anyone the fact that there was a desperate need for other law enforcement assistance, including from the Federal Government?

Mr. RILEY. We really didn't request other law enforcement agencies. We were counting on the National Guard and the military. But other law enforcement agents began to contact us and to contact the State Emergency Preparedness Center, requesting to come in, and then some, just came in.

Senator LIEBERMAN. Right. I am sorry, do you want to finish?

Mr. RILEY. No, I'm fine.

Senator LIEBERMAN. You did not yourself, you were not part of any specific request for Federal assistance that you recall?

Mr. RILEY. No. That would have come from Colonel Ebbert.

Senator LIEBERMAN. Right. Our Committee has found a letter dated August 30, which was the day after landfall, from Henry L. Whitehorn, Colonel Whitehorn, Superintendent of the Office of State Police. It is actually a letter to Robert Mueller, Director of FBI. It is very brief. I will read it. "Dear Director Mueller, As you are aware, the city of New Orleans, Louisiana, suffered massive damage caused by Hurricane Katrina. We are currently utilizing all State assets to stabilize the situation. However, looting continues to be a significant problem. As the head of the Louisiana State Police, I am requesting any assistance you can provide to this agency to assist with this issue, to include deployment of available tactical teams."

Were you aware of that letter?

Mr. RILEY. No.

Senator LIEBERMAN. Agent Kaiser, did you know about that letter at all to Director Mueller on August 30 from Superintendent Whitehorn?

Mr. KAISER. I never saw the letter, but I was advised when I arrived in Louisiana, in Baton Rouge, and I made contact with the Colonel of the State Police, Colonel Whitehorn, that he had sent the letter.

Senator LIEBERMAN. That he had sent it. And again, that was on Wednesday that you arrived, or was it Thursday?

Mr. KAISER. Thursday.

Senator LIEBERMAN. Thursday you got there, Wednesday you left.

Mr. KAISER. Right.

Senator LIEBERMAN. On August 31, which would have been Wednesday, the Department of Justice reported to us in our conversations that the Special Agent in Charge of the New Orleans FBI Office, who you have mentioned, Jim Bernazzani, told the U.S. Attorney in Baton Rouge, David Dugas, that "3,000 armed troops" were necessary to restore order. Were you aware of that communication at all?

Mr. KAISER. No, sir, I was not.

Senator LIEBERMAN. Were you, Superintendent Riley?

Mr. RILEY. No, sir.

Senator LIEBERMAN. We will come back to that. It does raise an interesting question in terms of the Federal response or the State response because Special Agent Bernazzani specifically says 3,000 armed troops, and that does not sound like—that sounds like the National Guard or the Federal active military, not ICE or ATF or anybody else from the Department of Homeland Security.

I want to say for the record also that according to the Department of Homeland Security documents we have seen, no one who was fulfilling the ESF-13 function appeared in the State Emergency Operating Center in Baton Rouge before September 1, which was Thursday. Interesting scenario, by the end of the day Thursday, September 1, Agent Kaiser, there are now 45 total DOJ law enforcement personnel in New Orleans including 11 FBI agents. I do not expect you to remember exact numbers, but does that sound about right, to the best of your recollection?

Mr. KAISER. You know, I don't know. I could tell you on August 20, there were 64 TDY FBI SWAT personnel in New Orleans, FBI. And there were another 20 from the local field office. But I don't know the numbers that DEA or ATF or ICE had at that time, so that number doesn't sound correct.

Senator LIEBERMAN. Doesn't.

Mr. KAISER. No.

Senator LIEBERMAN. Interestingly, by September 7, our investigation shows there were 883. That is the following Wednesday, week and a half after landfall, 883 Department of Justice personnel in New Orleans providing operational support, but it did not get started until later. I mean, just to put in context my own frustration and disappointment about what the record shows, you, Superintendent Riley, mentioned before the presidential declaration of emergency, and I want to put this in context.

We have the NRP issued in January 2005. It is a very comprehensive plan. It gives a whole host of Federal agencies various responsibilities in time of disaster, natural and terrorist. Unfortunately, as I have said earlier, the record that we have compiled shows that neither DHS, Homeland Security, or DOJ, Justice, did very much to get ready to assume its responsibilities.

The President, on Saturday morning, August 27, 2 days before landfall, based on very serious warnings from the Weather Service and requests from the governors, declares a state of emergency. Under the NRP, that immediately becomes a so-called incident of national significance. So you would hope that at that moment DHS, DOJ, and the whole Federal apparatus would have swung into action and essentially would have done what the Coast Guard did, which prepositioned assets, waiting for landfall, ready to respond. The record sadly shows that did not happen, and I believe the testimony today confirms that. So that you, Superintendent Riley, and—notwithstanding the few who abdicated responsibility—the many on your force really behaved heroically, but you are left alone in an hour of crisis. That is a sad conclusion from the record.

But I thank the three of you for heroic action. We are going to add you to our list of Katrina heroes, and thank you for it.

Mr. KAISER. Thank you.

Mr. RILEY. Thank you, Senator.

Mr. VANACORE. Thank you.

Chairman COLLINS. Thank you very much for your testimony.

I would now like to call forward the second panel of witnesses. This panel consists of individuals with key roles in establishing and repairing the communications network in the greater New Orleans area.

The first witness, Peter Fonash, is the Chief Technology and Programs Officer of the National Communications System of the Department of Homeland Security. In that role, he oversees the acquisition of priority communications service in the public switch network through the Government Emergency Telecommunications Service and the Wireless Priority Service programs.

Colonel FG Dowden has served in the New Orleans Department of Homeland Security and Public Safety as the Regional Liaison for Communications Interoperability since 1994. He is responsible for developing and managing interoperability projects for the City of New Orleans, and he works in conjunction with three different parishes.

William Smith is the Chief Technology Officer for BellSouth Corporation. In this role he is responsible for setting the technology direction of BellSouth's core infrastructure.

I would ask that you three rise so that I can administer the oath.

Do you swear that the testimony you are about to give the Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. FONASH. Yes.

Colonel Dowden. I do.

Mr. SMITH. I do.

Chairman COLLINS. Thank you. Mr. Fonash, we will start with you.

**TESTIMONY OF PETER M. FONASH, Ph.D.,¹ DEPUTY MANAGER,
NATIONAL COMMUNICATIONS SYSTEM, U.S. DEPARTMENT
OF HOMELAND SECURITY**

Mr. FONASH. Thank you, Madam Chairman and Senator Lieberman. I am Peter M. Fonash, and I am honored to testify before you today. I am the Deputy Manager of the National Communications Systems (NCS). In my testimony today, I will explain the role that the NCS played in preparing for and responding to Hurricane Katrina and what we are doing to improve the response and recovery of the communications infrastructure today.

The NCS started under President Kennedy in the 1960s. The NCS is a consortium of Federal departments and agencies that have assets, resources, requirements and/or regulatory authority regarding national security and emergency preparedness, NS/EP, communications. The NCS assists the Executive Office of the President in ensuring NS/EP communications for the Federal Government under all circumstances.

A key tenet of ensuring communications is reliance on resiliency and rapid restoration capabilities of the commercial communications infrastructure, necessitating strong relationships with industry.

The NCS's National Coordinating Center for Telecommunications (NCC) is a joint industry/government body within the NCS. The operational mission of the NCC is the coordination of communications restoration efforts in an emergency. The NCS has a major communications role in the current NRP. The NCS is the lead agency for Emergency Support Function 2, ESF-2, which is the communications component of the NRP. The purpose of the ESF-2 is to ensure the provision of Federal communications support to Federal, State, local, tribal, and private sector response efforts during an incident of national significance.

To facilitate coordination of industry/government operations during an emergency, the NCS has established and continuously operates several priority service programs, which help to ensure critical calls are completed in the event of congestion or damage to the national commercial communications infrastructure. The Nation heavily used each of these programs during Hurricane Katrina. These programs include the Government Emergency Telecommunications Service (GETS), the Wireless Priority Service (WPS) program, and the Telecommunications Service Priority (TSP) program.

The NCS also manages another program, the Shared Resources High-Frequency Radio Program (SHARES), which provides voice and low-speed data communications independent of the commercial communications infrastructure.

In anticipation of Hurricane Katrina, the NCS conducted various preparations including heightening the alert status of the NCC's 24-hour watch; placing key programs such as GETS, WPS, TSP, and SHARES on alert; providing personnel to staff ESF-2 regional offices and at FEMA headquarters; and conducting analysis of critical communications assets in the projected impact area.

Industry worked equally hard to prepare. Companies moved emergency response teams and equipment to the region, estab-

¹ The prepared statement of Mr. Fonash appears in the Appendix on page 77.

lished communication bridges among carriers, activated damage assessment teams, routed communications traffic around the expected impact area, and kept in constant communication with the NCC. BellSouth opened its operations center to all carriers for coordination purposes.

As of August 28, 2005, the NCS was ready. All systems and personnel were in place for the ESF-2 elements to receive communications support requests from the States impacted by Katrina.

Now our response. Katrina and the flooding of New Orleans caused unprecedented damage to the communications infrastructure. In the telecommunications sector, more than 3 million phone customers were out of service. For the first time in history, switching centers were out of operation due to water damage. Numerous 911 call centers were down, and up to 2,000 cellular towers were out of service. In addition, significant damage had been inflicted on first responder land mobile radio (LMR) communications. Significant network congestion and call blockage was being experienced in the disaster area. Millions of calls were being blocked daily.

Fortunately, many emergency responders had GETS cards and WPS phones. During the early stages of recovery, over 32,000 GETS calls were attempted, and 95 percent of the calls were completed where the commercial network remained in operation.

At the NCC in Washington, industry identified three priorities to the NCS, security, fuel, and access. The NCC assisted industry by attempting the coordination of security requirements between industry and government to protect repair teams, communications sites, and staging areas. In addition, in a limited number of circumstances, the NCC arranged to provide communications carriers and broadcast companies with generators where the power was out, fuel for generators, and power outage maps. The NCS coordinated closely with FEMA and local authorities in an attempt to provide the carriers access to locations in need of repair.

In the impacted areas, ESF-2 worked with State and local governments to help identify and provide solutions to their communications needs. ESF-2 arranged for mobile satellite and cellular vans and for hundreds of satellite phones. For example, we arranged for mobile communication vans to be sent on August 30, 2005, to the National Guard in Bogalusa, Louisiana, and Louisiana State Police in Kenner, Louisiana.

Communications restoration was definitely slowed, particularly in New Orleans, by security issues. The NCC, working on behalf of the communications industry, attempted to solve three separate security related issues during the Hurricane Katrina response: Fixed-asset security, repair crew security, and fuel and logistics convoy security.

While State and local authorities were able to meet some convoy security needs and Federal Marshals secured one important site, the NCC and ESF-2 were generally unable to arrange security for asset and repair crew security. ESF-13 and the National Guard were unable to assist in this regard. Industry's subsequent efforts to obtain private security were also hindered when State officials refused to allow out-of-state security guards to operate without proper Louisiana licensing.

As a result of the lack of security for repair crews, telecommunications companies were delayed by as much as a week and a half in commencing work on some areas in and around New Orleans.

The storm's damage also left the industry with limited energy options. Although most companies had extensive plans in case of power outages, the lack of civil order, coupled with the extent of destruction, severely impaired companies from carrying out these plans. Fuel was imperative to keeping back-up power generators for telecommunication sites and other critical nodes up and running. Power outages of critical communication facilities were prevented through cooperative sharing of fuel supplies among commercial communication companies.

The lack of a commonly recognized credential for industry and the need for recognition and acceptance of the credentials by local jurisdictions also significantly slowed communication restoration efforts. The day after Hurricane Katrina hit, industry repair crews, ready to begin restoring services, could not obtain permission from officials to enter disaster areas, preventing vital services from being restored as quickly as they could have been. An apparent disconnect between Federal and State access authorization policies delayed crews and burdened incident management teams.

Obtaining access to restricted areas for the communications repair crews remained problematic in Louisiana for nearly a month. Subsequent to the landfall of Hurricane Rita, ESF-2 was able to work out a blanket access letter in the State of Texas and, using that as a precedent, got Louisiana to allow a similar letter, thus finally achieving a state-wide solution in Louisiana.

In conclusion, the extent of the destruction and damage to communications infrastructure and services caused by Hurricane Katrina greatly exceeded any other disaster previously encountered by the NCS. A hurricane of the historic magnitude of Hurricane Katrina stressed the processes and procedures of the NCS and required ESF-2 to perform new functions, such as performing interim land mobile radio repairs in eight parishes.

Now that the NCS has completed its role in assisting with the restoration efforts, and with hurricane season only 5 months away, and the ever-present need for preparedness, the NCS believes that prudence dictates that the NCS continue efforts to improve its ability to respond. We are identifying issues and lessons learned and developing recommendations. Our after-action sessions with other ESF-2 agencies and industry demonstrate our full commitment to incorporating lessons learned into future plans, procedures, and capabilities.

Our goal is to look at both short-term and long-term improvements, focusing on what we can accomplish in advance of the 2006 hurricane season. In particular, the NCS is developing ESF-2 operational plan modifications with the ESF-2 support agencies. We are establishing standard operating procedures for both the primary and support agencies. Once these standard operating procedures are developed, we will conduct an exercise of ESF-2 functions in the mid-May timeframe to ensure the plans are thoroughly understood by those who will be part of any Federal response team. Where appropriate, it is hoped that participants will be from all levels of government and industry.

We are working with other agencies, State Governments, and industry on security and access issues. We are working with ESF-13 and others to improve physical security mechanisms and to develop pre-approved emergency credentials for key infrastructure providers to facilitate industry restoration efforts. NCS is developing a pilot program with industry partners and the State of Florida to test screening and credentialing for the communications infrastructure.

Other areas to be considered for improvement are: Improving required knowledge and skill sets of the response teams; increased level of exercises of all parties involved; and improved planning to expedite the acquisition of emergency communications capabilities.

The NCS will continue to work with industry and government counterparts to improve the restoration of the Nation's communications network.

This concludes my oral remarks. I have submitted a written statement for the record.

Thank you for the opportunity to address this distinguished Committee. I will be pleased to answer any questions you may have.

Chairman COLLINS. Thank you, and your full statement will be included in the record. Colonel Dowden.

**TESTIMONY OF COLONEL FG DOWDEN,¹ REGIONAL LIAISON,
NEW ORLEANS DEPARTMENT OF HOMELAND SECURITY AND
PUBLIC SAFETY**

Colonel DOWDEN. Madam Chairman, Senator Lieberman, by way of introduction, I am FG Dowden, and I currently serve as the Regional Liaison for the New Orleans Department of Homeland Security and Public Safety. In this position I represent the City of New Orleans, and I have worked for the last 2 years to develop and execute communications interoperability projects and issues with St. Bernard, Plaquemines, and Jefferson Parishes, which along with New Orleans make up Louisiana Urban Area Security Initiative (UASI) Region I.

I want to thank you for the invitation to testify before the Homeland Security and Governmental Affairs Committee and the opportunity to assist your Committee and the Nation in improving our capability of communications interoperability and response to catastrophic events.

Hurricane Katrina was a natural disaster that destroyed or damaged our communications infrastructure and made it extremely difficult, and in some cases impossible, to react and to coordinate the massive response and recovery effort brought on by the storm. Thousands of lives and property were put at risk because of the extensive damage and losses to the communications systems that were in use by various agencies within the respective parishes.

The ability to communicate with State and Federal agencies in most cases was limited to a few land lines, satellite phones, and data links.

Today I would like to provide you with information relative to the challenges to communications and communications interoper-

¹ The prepared statement of Colonel Dowden appears in the Appendix on page 86.

ability prior to and during the storm and a status on where we are as we move forward.

Prior to Hurricane Katrina, we had over 75 first responder agencies operating over myriad disparate voice radio communications systems within the region. The two-way radio spectrum ranged from your very basic simplex radios to more advanced VHF and 400 megahertz radios, to the even more modern and more sophisticated 800 megahertz trunked radio systems.

Two parishes were operating systems that had far exceeded their normal service life and which challenged the best radio technicians to keep them operational on a daily basis. Day-to-day operability was challenging, to say the least. Additionally, within those two parishes they were operating on several different types of proprietary systems, which in many cases could not communicate with each other. The other two parishes were operating more modern and technically sophisticated 800 megahertz trunked digital or analog systems. In the case of New Orleans, the city's 800 megahertz network supported police, fire, emergency medical services, and the Office of Emergency Preparedness over a common shared system. Jefferson Parish was supported by two 800 megahertz trunked radio systems, one of which supported the parish government and the other the sheriff's department. State agencies were operating on a different 800 megahertz trunked analog system, and Federal agencies were operating on VHF spectrum and other radio systems, depending on that particular agency.

As you can see, in addition to the day-to-day operational issues, communications interoperability was extremely problematic. Recognizing these problems, New Orleans and Jefferson Parish law enforcement had put in place console patches connecting their 800 megahertz controllers, and this provided some level of interoperability. Local agencies in coordination with Federal agencies and with support from a public service wireless network project had used bridging technology in the form of ACU 1000s to connect disparate radios from the 17 local, State, and Federal agencies and to provide a level of interoperability.

Recognizing the interoperability problems, the City of New Orleans had applied for and received a Community Oriented Policing Services (COPS) grant, which with the local cash match totaled \$7.3 million. The grant would provide the basis for improving day-to-day operability within each parish and improve interoperability within the region. We were 16 months away from the completion of the project when we were struck by Hurricane Katrina.

Additionally, working in coordination with the Interoperable Communications Technical Assistance Program, provided by the Department of Homeland Security, we had begun the effort of aligning our regional operating procedures and protocols through the completion of a regional tactical interoperable communications plan and in late June had conducted a tabletop exercise as part of the validation process for that plan. A follow-on exercise was scheduled for late September; however, that exercise was preempted by Hurricane Katrina.

Before moving on to address the impact of Hurricane Katrina on voice communications, I would like to briefly address funding issues related to public safety or first responder communications

systems. In conjunction with the development of the application for the COPS grant, the region analyzed options for creating a region-wide shared 800 megahertz trunked digital system in support of where we thought the region should go in order to achieve the highest order of interoperability and operability. The cost estimates ranged as high as \$45 million, and it was viewed as cost prohibitive. Therefore, a plan was developed that would move us to a region-wide shared system in a phased approach over time. The plan moved St. Bernard and Plaquemines Parishes onto the Jefferson Parish law enforcement system, which would be upgraded to a dual-mode P25 compliant 700/800 megahertz system and then link the Jefferson Parish and New Orleans systems together through an interoperability switch. The expectation was that, as additional funds became available through additional COPS or UASI grants, New Orleans would migrate to a dual-mode P25 compliant system and then further link the region to the State.

The point here is that, even in ordinary times, most agencies who operate on the margin from a fiscal standpoint cannot afford to invest in a modern technically advanced voice radio communications system without significant Federal grant support. After a catastrophic event such as Hurricane Katrina, local governments are faced with even greater financial challenges and must rely even more on outside funding and no-cost outside assistance.

Hurricane Katrina had a devastating impact on the communications infrastructure in the four parishes making up Region I. In St. Bernard Parish, the extreme winds took away communications towers and antennas, and floodwaters inundated the 911 center and forced the evacuation of buildings housing communications for the fire and sheriff's departments. All voice radio communications were lost except for very limited radio-to-radio communications.

In Plaquemines Parish, the parish government communications tower and communications center, along with their microwave antennas, were lost. The Plaquemines sheriff lost the 911 communications and dispatch center and all towers. In short, all agencies in Plaquemines Parish lost all communications, and it was almost 3 weeks before they had any means of voice communications.

The Jefferson Parish sheriff's office lost the main tower supporting their communications system and suffered damage to other sites throughout their system. Today, antennas supporting their communications center are still temporarily located on the 400-foot boom of a crane.

During and in the aftermath of the storm, the region's only means of voice communications was the use of five or fewer mutual aid channels. In New Orleans, one tower was inundated by the storm surge and remains inoperable. Two towers had equipment damaged or lost power because of floodwaters, and the 911 centers and police, fire, and EMS dispatch centers were all impacted and rendered unusable by floodwaters. The city was also forced to rely on a limited number of mutual aid channels. The ACU 1000 interoperability switch, which was located with the fire department, had to be abandoned because of the floodwaters. Therefore, the interoperability between the four parishes and State and Federal agencies was lost.

It needs to be stated and clearly understood that the communications failures were a result of catastrophic physical damage or loss as a result of extremely high winds, storm surge, and flooding, and not the result of actual system failures, even in the older systems.

As you have heard, the impact of Hurricane Katrina was severe, and it has left the region scrambling to restore communications before the next hurricane season. That is only 5 months away. The repair or replacement of infrastructure such as communications towers that were damaged by the storm and rightfully eligible for replacement and reimbursement by FEMA has languished. Some efforts at the State or Federal levels have complicated the effort to restore capability and interoperability.

We, as a region, totally understand the implications of entering this next storm season without our communications systems fully operational, and we are currently working on two parallel efforts to restore our communications. The first is to patch together what we have left, what has been provided by FEMA, and what equipment we can purchase immediately and still be able to reuse in the future. This temporary solution will support all of the agencies in the region and will provide interoperability and redundancy to the fullest extent possible. This will not be optimum, but we can at least communicate before the next storm season.

The second is to pursue our regional plan and install a dual-mode 700/800 megahertz fully P25 compliant system comprised of all first responders in our four-parish region on one shared radio system connected to the State's 700 megahertz radio system by the end of the year. To augment the COPS grant, we have committed all available UASI funds and, as much as possible, we are taking advantage of FEMA funding; however, we are still approximately \$22 million away, and we require that for the purchase of subscriber radios for New Orleans and Jefferson Parish. Without the additional funding, we will not be able to complete the project and will continue to have interoperability problems.

Madam Chairman, Senator Lieberman, thank you for your time. I am open for questions.

Chairman COLLINS. Thank you. Mr. Smith.

**TESTIMONY OF WILLIAM L. SMITH,¹ CHIEF TECHNOLOGY
OFFICER, BELL SOUTH CORPORATION**

Mr. SMITH. Thank you, Madam Chairman, Ranking Member Lieberman. My name is Bill Smith. I am the Chief Technology Officer with BellSouth. It is a pleasure to be here with you today. I am here today to address the impact of Hurricane Katrina on BellSouth's network, the status of that network based on restoration completed to date, where we expect to go from here as we continue to restore communications to the hard-hit Gulf area, and what the Federal Government can do to assist in those efforts.

Given the area that we serve, BellSouth has dealt with hurricanes for a number of years, and we're proud of the resiliency that our network has consistently demonstrated. Based in large part on these past experiences and as part of our overall network plan, we have actually prepared to put equipment in higher floors in many

¹The prepared statement of Mr. Smith appears in the Appendix on page 92.

of the low-lying areas of the New Orleans bowl, and in fact, most all of that critical equipment was located on second floors or higher. That helped to avoid damage to much of that critical equipment and actually turned restoration periods that would have been months into periods of weeks.

In the coastal areas of Louisiana and Mississippi, we had built certain flood-prone structures on pilings in order to elevate those buildings approximately 10 feet above ground level. But even those precautions were not enough to withstand Katrina's sustained winds in excess of 145 miles an hour and storm surge that was measured in places to be nearly 40 feet tall.

Prior to making landfall in Florida, BellSouth was monitoring Katrina and actually instituted our standard hurricane procedures. Those included positioning over 1,000 portable generators, making sure that they are in working order, that they're fueled properly, making sure that fuel tanks are filled in all of our central office locations and administrative buildings as well as our vehicles. We also take provisions into the area to build temporary structures, tents that can house our personnel, and provide food and shelter in nearby locations.

BellSouth has 1,591 central office buildings across our region; 578 of those are in Alabama, Louisiana, and Mississippi. Throughout the storm, 545 of the 578 offices never lost service. As the loss of commercial power was widespread, many of these offices were running on batteries supported by generators. Generators require fuel. In the past, our technicians have had access to those central offices where the generators are housed in order to provide proper fueling and refueling, as well as maintenance. This was not the case in Hurricane Katrina. When the levees failed in New Orleans, the water did not recede. Because of the continued flooding and unprecedented security issues, generator power was lost at several central offices due to our inability to refuel the generators.

Once we were able to gain access and begin restoration, we concentrated on restoration of the highest priority circuits, specifically those which support public safety, including hospitals, E-911 centers, and law enforcement. We then focused on supporting other carriers, including the wireless industry. I have listed these sequentially, but they often work simultaneously.

BellSouth has been extremely focused on the wireless industry in restoration efforts. We conducted two daily calls, one with wireless carriers and the other with wireline carriers. These collaborative efforts were very important in the restoration effort. In this new dynamic age of communications, alternative technology, such as wireless and Voice over IP, utilize and interconnect to the traditional wireline network. Thus, as BellSouth restores its network, we also enable other carriers to restore theirs.

We made significant progress in restoration due to the tireless and often heroic efforts of our employees, who have worked around the clock with the single-minded mission of restoring communications to these hard-hit areas.

I would like to discuss what our cooperation has been and needs for further assistance. Overall, the cooperation and assistance from local, State, and Federal agencies has been good. The FCC, along with staff members, was extraordinarily helpful. The FCC reached

out to offer assistance in many areas, waiving rules that helped customers who were without service and taking actions that allowed for the quick restoration of network facilities. Because of this, BellSouth was able to make its own corporate network available to other companies to help them restore their networks. BellSouth was also in constant communication with other Federal agencies and received strong support from the White House Executive Office of the President.

Now let me address what additional assistance is necessary. My testimony, as follows, outlines a number of areas, and I won't go into all of those, but I think what is most important is that we do need to be designated as emergency responder in a hurricane or natural disaster of this nature. We believe that may involve modifications to the Stafford Act, the Homeland Security Act of 2002, and the NRP to explicitly indicate that we get access, security, fuel, and power.

Other issues we believe involve the cost to restore our network. Our investments thus far have been over \$500 million to restore service in our network, and we think that the total amount will be close to \$900 million. Now, as we make those investments in these uncertain situations in the Gulf area, we're not only enabling our own network, but we're enabling other carriers who use our network, and we would like to see that taken into consideration.

That concludes my comments. Thank you for your attention.

Chairman COLLINS. Thank you very much for your testimony, Mr. Smith.

The Committee during the course of its investigation has come across many documents, e-mails in particular, talking about the difficulties that communications workers, the repair crews, had in gaining access due to State, local, and Federal roadblocks. In the exhibit book on Exhibit 20,¹ which you can turn to, but I will just paraphrase some of it. We have, for example, an e-mail that talks about MCI being told by the State Police that they needed a letter from the governor in order to get access to the New Orleans area, and MCI saying that the inability to get access is giving the whole Gulf-South network problems.

Similarly, there is an e-mail from Cox Communications describing the experience of their employees, and it says, "Our efforts to get our telecommunications network back up and running is being severely hampered by FEMA. They are denying our field personnel fuel and taking any surplus that we have."

So here we have heard from MCI and from Cox. You have mentioned the lack of security was the problem for your workers. Did you have difficulty in even getting access to the sites where you needed to do repairs?

Mr. SMITH. Yes, we did. We had similar situations in all those cases, whether it was fuel—at one point in time we had a priority letter that I think came from DHS that said we should get priority access to fuel so that when we went to fuel suppliers we could get that. It was subsequently rescinded, and I think, again, as I understand it, it was because there was some question about whether the Stafford Act actually allows them to give a private organization

¹ Exhibit 20 appears in the Appendix on page 111.

priority access. Fuel and security were our biggest issues, as well as access. We had a significant amount of problems in trying to get secure forces for our areas. In fact, in my filed testimony, there is a more detailed explanation about what happened at the New Orleans main central office, which is kind of the nerve center of the telecommunications network in New Orleans.

Chairman COLLINS. Go ahead and describe that for us.

Mr. SMITH. Well, we had our major center located there to coordinate all of our emergency efforts. On Tuesday morning, it became pretty evident that the situation was deteriorating in New Orleans, and part of this, as you mentioned earlier, was based on information that we were getting regarding people being attacked, buildings being overrun, so forth and so on. So we began trying to get security for that facility because we had 82 people in that facility. It was a critical facility for us. We did not want to abandon it. We wanted to maintain it. But we wanted our people to be safe.

We spent most of that day trying to get security for that facility. Finally, at about 3 p.m. local time, Central Time, we got the State police to escort our people out of the building because they could not stay and secure it. After we evacuated the building, we were able to arrange for an FBI team to go in later that evening, re-secure the building, and we were able to go back in the next morning with an armed convoy, with fuel and supplies.

Fortunately, that building did not fall to looters or anyone that would have done harm because it would have been a much more serious situation. But that is an example of the kind of thing that we faced.

Chairman COLLINS. Mr. Fonash, you said in your statement that security, fuel, and access were the key priorities. We have just heard through documents and through testimony problems with security, fuel, and access that prevented telecommunications workers from getting to the sites where they needed to make desperately needed repairs. What is your response to that?

Mr. FONASH. Well, Madam Chairman, my response to that is those are issues that were identified in after-action reports, and the department and other parts of the government are examining ways of making sure that those things do not happen in the future. So we are addressing those issues. We recognize the problem, and the Department is trying to address those issues. But those were clearly problems that we saw throughout Katrina. I think we identified that problem on September 2, security being a problem. And it lasted probably for about a month. There were also concerns with regard to physical security of the crews working inside the central offices. There were security concerns with regard to the trucks going out in the field and trying to make repairs. And there were issues about security in terms of the fuel resupplies.

For example, we had to arrange for fuel resupply convoys, and industry actually arranged for fuel resupply convoys where they would hire private guards. For example, BellSouth many times arranged a convoy where Poydras Street is, that street in New Orleans where there are many communications facilities, and it was actually arranged for many convoys, fuel convoys, by industry to come in so that they could refuel those locations, and security was a concern, as well as the fact that fuel many times was a scarce

resource, and the companies had to share among each other to ensure for the most part that those communications facilities stayed up.

In addition, there were some problems in the broadcast area. The major Spanish language station was having some major problems in terms of fuel. Their generators—they had to go on half-power for quite a while, and it was actually BellSouth again that also arranged for fuel resupply on that.

So fuel was a problem for quite a while—not as long as security—I think for about 2 or 3 weeks. Security was a major concern. And then also there was a problem of access, and access, first of all, you break it into two pieces: Credentialing—and credentialing is that the person has authenticated, valid identification that says this person works for BellSouth, AT&T, or MCI and needs to get into a key facility, maybe a facility that is not open to the general public. Because one of the things that the communications industry as well as the power industry has to do is they have to come into those areas. Before the general public can come in, you must restore power and you must restore communications.

Chairman COLLINS. But that is utterly foreseeable. It is obvious that you are going to have to have the power company and the telecommunications companies with access to the area before the general public. I mean, that is something that should have been anticipated.

Mr. FONASH. That is currently not—in the NRP, no infrastructure is provided any priority over any other infrastructure.

Chairman COLLINS. Well, isn't that a huge deficiency of the NRP then?

Mr. FONASH. Well, we, as the telecommunications infrastructure, have identified that as something that we would like to address in the NRP. We have identified that.

The other part of access, which is a really tough nut to resolve, is the fact that it is a State and local issue and not just a Federal issue in the sense of not only do you have to have the credentials, but you have to have the State and local authorities recognize the credentials and allow people to enter into those locations. So we need to address the credentialing problem. We need to address the fact that the local and State authorities will recognize those credentials. And then we need to also address the issue of which infrastructures have to get in there first to restore services so that the general public can come in.

Chairman COLLINS. I am not saying that this is just a Federal problem. I read an e-mail where MCI was told in order to get access to an area they needed a letter from the governor. So, clearly, the credentialing issue spans State, local, and Federal Government. But it is extraordinary to me that the need to have this access and this credentialing was not recognized prior to Hurricane Katrina or any other natural disaster.

Mr. FONASH. In general, Madam Chairman, what happens is that the State—what will happen is during a disaster—for example, in Florida and in Texas, the State worked out a credentialing system and accepted the entry, allowed the entry of the communications carriers into facilities that were areas that were closed off. So a lot of it depends on the State Government being able to

function in terms of saying that these are credentials, we will allow in the communications carriers, we will allow in the power companies, and to work with the State and local authorities to accept that. So that is something that is generally worked out at the State level, and the State and local governments work that out. In this case, it didn't work.

Chairman COLLINS. Senator Lieberman.

Senator LIEBERMAN. Thanks very much again, Madam Chairman.

Incidentally, Mr. Smith, thank you for your testimony, and here again BellSouth looks to me, sounds to me like it took some very effective pre-storm steps to prepare for what happened and under the circumstances of an enormous storm really did very well, and I congratulate you for that. We have seen some cases where the Federal, State, and local government did the same, and we have seen some other cases where it didn't do the same. And that is what we are trying to work toward, so I appreciate your testimony—it was very helpful—and your suggestion about the changes in the Stafford Act.

Mr. Fonash, thanks for your testimony. I think you followed the line of questions that I asked the previous panel, and I want to do the same in your case. The National Communications System has a very impressive and long record of working particularly with the private telecommunications industry to be ready in crises. And you were given responsibility under the ESF-2 part of the NRP for communications.

I was really interested in reading the transcript of interviews that both you and Jeff Glick, who is operationally in charge of Emergency Support Function ESF-2—am I right about that?

Mr. FONASH. Correct.

Senator LIEBERMAN [continuing]. And reports to you, about your answers to some of the questions. Mr. Glick, for instance, told Committee investigators that it is possible to interpret the NRP as not including first responder systems since the plan does not specifically refer to so-called LMR networks, land mobile radio. And I wanted to ask—and, in fact, I will go on one more. You and Mr. Glick in your interviews said that in past hurricanes, the issue of so-called LMR, land mobile radio networks, used by first responders had never come up, that in that sense even since the NRP that ESF-2 had never had to deal with those radio systems.

So I want to ask you what your understanding was after the NRP following its predecessor was issued in January of 2005, with regard to your responsibility for communications in a disaster circumstance, natural or otherwise, and specifically whether it included more than working with the private telecommunications industry.

Mr. FONASH. OK. Sir, there was something—predecessor to the NRP—

Senator LIEBERMAN. Yes.

Mr. FONASH [continuing]. Was something called the Federal Response Plan.

Senator LIEBERMAN. Exactly.

Mr. FONASH. And in the Federal Response Plan, there was an ESF-2 also, but it was for telecommunications.

Senator LIEBERMAN. Right.

Mr. FONASH. Not communications.

Senator LIEBERMAN. Right.

Mr. FONASH. And we actually explicitly decided to change that from telecommunications to communications to make it broader.

Senator LIEBERMAN. You mean in the NRP?

Mr. FONASH. The NRP changed it.

Senator LIEBERMAN. Did you have a hand in that?

Mr. FONASH. Yes, I did, sir.

Senator LIEBERMAN. Interesting. So what were you thinking about?

Mr. FONASH. It was expanded in terms of two planes: First of all, in terms of communications, pure communications, we view it as including cable, broadcast, and radio.

Senator LIEBERMAN. Got you.

Mr. FONASH. But we also broadened it to include cyber or IT. So it is not only the transfer of information, which is the standard definition of communications, but also the information processing, what you would look at as cyber or Internet.

Now, also, the comment I would like to make, sir, is that the telecommunications companies that you are talking to are also the Internet providers.

Senator LIEBERMAN. Right.

Mr. FONASH. I think what Jeff and I were referring to was not whether or not it was within scope, but that we had—first, the way we work is that ESF-2 is set up—that the Federal Government is set up to respond to State and local requests. Actually, we are set up to respond to State requests. In general, what normally happens is that the local government has requirements. If they cannot meet those requirements, they go to the State Government. If the State Government cannot handle those requirements, they come to us for communications requirements. And then we will try to address them.

In our experience of handling hurricanes and over our years of experience of handling hurricanes, we had never seen the need to provide—or were never asked by the State or local government to help them put together—or to repair a land mobile radio system. We had never had that request before.

Senator LIEBERMAN. Right. So can I fairly conclude, then, that in your work in the predecessor plan—was it called the Federal Response Plan?

Mr. FONASH. Federal Response Plan.

Senator LIEBERMAN. And then in the NRP, you were not prepared to come in and provide emergency communications systems for State or local governments in time of crisis?

Mr. FONASH. No, that is not true.

Senator LIEBERMAN. So explain that to me.

Mr. FONASH. So what I mean by that is that we in general rely on a commercial infrastructure. First of all, we have our priority service programs that allow you to utilize what remaining public infrastructure is there. In addition to that, what we will do is, using the ESF process, Emergency Support Function process, which basically says if the State Government has a requirement—there are technical areas. There are 15 ESF organizations.

Senator LIEBERMAN. Excuse me for doing this, but the time is running.

Mr. FONASH. Sure.

Senator LIEBERMAN. I just want to make it clear. I gather from what you have said that you never had been asked by the State and local governments to play this kind of role.

Mr. FONASH. Correct.

Senator LIEBERMAN. But were you ready to help them if they asked?

Mr. FONASH. It is very difficult to be ready to support a request for land mobile radio because, first of all, one of the big differences is analog versus digital.

Senator LIEBERMAN. Right.

Mr. FONASH. Second is frequency. Third is that the algorithms that each of those—they are proprietary algorithms. A Harris system will not work with a Motorola system, even if it is digital, even if it is on the same frequency.

Senator LIEBERMAN. Understood. This is an interesting problem because I suppose in one sense to be direct and comprehensive and fair about it, to the extent that you help private telecommunications to get their system up, you are assisting public authorities because they can then use that system to communicate.

Mr. FONASH. Correct.

Senator LIEBERMAN. But I do think that there is a requirement now to think about—because I do think that some of the local officials really overwhelmed as they were and seeing this—this goes back to my earlier line of questions. The President declares an emergency Saturday morning. I wish looking back that—in all the exercises we have gone over here, the Hurricane Pam exercise, the State and locals in the case of a hurricane like Katrina with flooding and over-running the levees, that would have been overwhelmed and would have a need for emergency communications help, but nobody was there to—I mean, let me ask you this question: In the weekend before Katrina made landfall, did anyone in the Homeland Security Department, the Secretary or anyone else, ever bring together you and the other heads of the relevant DHS agencies who had responsibility under the NRP to coordinate the response to the hurricane that was now thought to be so serious that the President had declared an emergency?

Mr. FONASH. Well, first of all, the NRCC was activated, National Response Coordination Center.

Senator LIEBERMAN. Right.

Mr. FONASH. So under the NRP, they are the ones to coordinate across the ESF structure, and they were activated, and we sent a representative over there.

Senator LIEBERMAN. And what did that mean? Were you asked what you were prepared to do at that time?

Mr. FONASH. Right. In other words, we basically established a desk, a watch over there. We provide them with situation awareness in terms of what is going on with the communications infrastructure at that point in time. And we let them know if there are any particular requirements that we are trying to address, and if we need help, we would go to them because all the ESFs are there at the national level. They're all there at the national level, and so

if there's a national issue, they would address it there at the national level.

There is also a corresponding infrastructure, an ESF structure at the local level. And if there are problems at the local infrastructure that those local ESFs can handle, then initially they are handled at the Regional Response Control Center, and then at the Joint Field Office. They handle those problems. The way we do it is there are problems that can be handled at the local level, for example, if there are problems at Baton Rouge, there are not enough phone lines, the ESF-2 there would get that requirement to add additional phones. That would generally not be a problem that we would see.

Senator LIEBERMAN. Right.

Mr. FONASH. We would see problems that would be policy. Also the Interagency Incident Management Group (IIMG) was activated, and my boss, Bob Stephan, the Assistant Secretary, heads that up.

Senator LIEBERMAN. Let me interrupt you because time is running out. I want to get some questions to Colonel Dowden. So I appreciate the answer, and you are in a unique situation because of the circumstances you described about communications and the difficulty of stepping in.

Colonel Dowden, as a lay person in this, as I watched what was happening—and we have spent a lot of time now on this investigation going over it—obviously as I see how your communications system was knocked out, I look back and I say, Why wasn't the Federal Government in some form ready to come in to provide an alternative system?

On the ground in the middle of it all, did you have a similar hope yourself?

Colonel DOWDEN. Yes, sir.

Senator LIEBERMAN. Was there any discussion at all prior to Katrina with the Department of Homeland Security, FEMA, or anyone else about what, if any, kind of emergency communications support they might provide if the so-called big one, the big hurricane, hit New Orleans?

Colonel DOWDEN. Not to my knowledge.

Senator LIEBERMAN. I do want to ask you a couple of questions briefly. You told our staffs that you had developed a tactical interoperable plan for the region, but interestingly, it was geared more toward an explosives situation, a terrorist attack, never designed to work given the destruction or magnitude of the problems you encountered with Hurricane Katrina. If that is right, I wonder if you could elaborate on it and tell us a little more about it.

Colonel DOWDEN. Sir, the scenario that was specifically required for the development of the tactical interoperable communications plan was spelled out in the 2005 UASI grant guidance.

Senator LIEBERMAN. I got you. So this is what you did in response to the UASI?

Colonel DOWDEN. Yes, sir.

Senator LIEBERMAN. Urban Area Security—

Colonel DOWDEN. It is one of the 17 scenarios that they lay out in the National Plan.

Senator LIEBERMAN. That is a very important point. So that the Urban Area Security—the “I” is “Initiative,” am I right?

Colonel DOWDEN. Yes, sir.

Senator LIEBERMAN. That was focused on preparation for a terrorist attack.

Colonel DOWDEN. Yes, sir.

Senator LIEBERMAN. So that is why you did that as opposed to beginning to think about what you would do in the case of a disaster, a natural disaster.

Colonel DOWDEN. Yes, sir, and that particular scenario is geared toward an explosion of an IED-type device in a major sporting event with numerous casualties, but nothing on the magnitude or the scale of what happens with a hurricane, even a small hurricane.

Senator LIEBERMAN. Understood. This is actually one specific area in which we can see the impact that some have charged that the Department was focused on terrorist response and preparation and may have, therefore, not given adequate attention to natural disaster preparation and response.

Colonel DOWDEN. Yes, sir.

Senator LIEBERMAN. Madam Chairman, do you intend to have another round?

Chairman COLLINS. I was going to do a very brief final round.

Senator LIEBERMAN. Good. Then I will save my last question until you do yours. Thank you.

Chairman COLLINS. My last question is for you, Colonel, also. You discussed in your testimony the need for a new interoperable communications system that would connect all first responders in a four-parish region to each other and would further connect them to the State of Louisiana's radio system. And, of course, the problem, as you point out, is the cost.

You note that beyond what New Orleans can devote to the project through various Federal grants, you need an additional \$22 million to purchase the subscriber radios. My staff has analyzed the numbers, and I want to share with you what we found.

First, the figures from the U.S. Department of Homeland Security indicate that the State of Louisiana has approximately \$58 million in unspent first responder grant money, and that is not counting what it will receive in this fiscal year. And some of these funds date back to the fiscal year 2003 grant allocation.

Second, the figures provided by the State of Louisiana indicate that roughly 16 percent of the Federal first responder grant dollars that it receives are spent on interoperable communications equipment. And you may be interested to know that is only approximately half the national average. In other words, most other States spend far more of their first responder grant money for interoperability communications projects because that is a need everywhere. Nationally, approximately one in three Federal homeland security grant dollars are spent on interoperable communications equipment.

Now, it is very clear from all the testimony that we have had and from the experience with Katrina that you have an urgent need for better, more sustainable, and interoperable communications equipment. It also seems to me that the State should have an interest in seeing to it that you get that equipment.

I wonder if you have approached the State of Louisiana to see whether it would reallocate some of the \$58 million in unspent funds to allow you to complete the system that you envision.

Colonel DOWDEN. Madam Chairman, we each year lose about 20 percent of our UASI grant monies, for example, because the State withholds that amount of money as their prerogative, and the stipulation is that money is supposed to come back to the region in some form to support the region. This last year, we did go to the State and ask for the 20 percent that they had withheld from our UASI grant. After Katrina, they agreed, and it is my understanding that their intent is to release that 20 percent they have withheld from the UASI grant for support of Region I or for the four-parish area.

Chairman COLLINS. Let me clarify that I am not talking about the UASI money.

Colonel DOWDEN. I understand.

Chairman COLLINS. I am talking about the first responder, the standard homeland security grant money.

Colonel DOWDEN. That money, we have asked, but unfortunately I have no control over how they allocate those funds. So we do not see those funds at the local level, typically, specifically earmarked for communications. Now, they may come in other forms, but to my knowledge, what we have seen in communications equipment in the last 3 years has probably been in the neighborhood of about \$3 million.

Keep in mind that the way the State accounts for the money is any equipment that they buy, whether it is computers or fax machines or whatever, may get charged against communications or communications interoperability, not necessarily to land mobile radios or voice radios.

So I don't know specifically, when you say they have spent \$16 million and that they have got \$56 million remaining, I am not quite sure how they account for that money, very honestly.

Chairman COLLINS. Neither am I. Senator Lieberman.

Senator LIEBERMAN. Thanks.

Colonel Dowden, I know that you, in addition to your current responsibilities, have had extensive service to our country in the Marines, and as part of that, have a lot of logistics and communication background. Maybe I have more than one question, but it is under that general category about how this all worked.

Some of the problems were clearly because of outdated equipment, but it seems to me that some of the problems that you had may also have been related to more than that. And let me just lead you into an anecdote, which is that—I gather you were assigned to the State Emergency Operations Center in Baton Rouge as the city's liaison.

Colonel DOWDEN. That's correct.

Senator LIEBERMAN. And I take it, notwithstanding all the problems with communications, you managed to stay in communication with Colonel Ebbert and his staff and conveyed the needs of first responders in New Orleans, therefore, to the State EOC and to FEMA. I want you to talk a little bit about how that process worked inside the State Emergency Operations Center.

Colonel DOWDEN. Sir, in the early days, and I would say within the first 3 or 4 days after the storm made landfall, most of the communications and most of the requests for support came via telephone, and there was at that point only one telephone line that we were able to communicate with Colonel Ebbert in New Orleans.

At some point, what they called their E-team system came up, and that's a computer system that's designed to allow you to request support, track support, and then give you the status later of what type of support you—

Senator LIEBERMAN. Is that a State system or a Federal system?

Colonel DOWDEN. It is a State system.

Senator LIEBERMAN. OK.

Colonel DOWDEN. That particular system was installed by the State. It has serious shortfalls, the actual program itself does. For instance, it does not allow you to go back and check the status of a particular request. You have to go in based on when you think the date was, or if you knew what date it was submitted, you can go into the system and find that particular request. But there is no way of tracking the status, getting an update on what is outstanding, what has been taken care of, what has not been taken care of.

That E-team request reaches the State EOC, and they make a determination as to whether or not that particular support can be provided by the State within its existing resources or it must be passed to FEMA.

Senator LIEBERMAN. This is a system that is used particularly in an emergency?

Colonel DOWDEN. It's designed for an emergency, yes, sir.

Senator LIEBERMAN. Right.

Colonel DOWDEN. The State makes a determination that it can be handled within State resources, and they task to the National Guard or the State Department of Transportation or whatever.

Senator LIEBERMAN. Right.

Colonel DOWDEN. If they make a determination that it cannot be handled within State assets, then they pass that through what they call an administrative request form, or AR, as I came to understand it, to FEMA. At that point, basically, as a local person trying to track support requests, I lose visibility on what's happened with my particular request. Part of my job in Baton Rouge was to go to FEMA and request status on particular requests, particularly for fuel, water, food, and those kinds of things.

Senator LIEBERMAN. Do I understand correctly that the State system, the E-team system, is a computerized system; whereas, the FEMA system is still a paper system?

Colonel DOWDEN. At that point, it is manual. That's correct.

Senator LIEBERMAN. So that you had to transfer in the middle of the emergency to be able to—

Colonel DOWDEN. They have a form, Senator, many government forms, that you transfer the request in writing, you handwrite it, basically fill it out, and you hand it to the FEMA ops desk.

Senator LIEBERMAN. Do I correctly assume that caused delays or that there were bottlenecks in the process as a result?

Colonel DOWDEN. Oh, absolutely.

Senator LIEBERMAN. I have heard that the problems in the system that you have just described led one of your deputies, a Captain Joseph, to bypass the system and contract directly with vendors, such as Fisher Scientific, for commodities or equipment that were needed, and that the companies like Fisher provided—were able to deliver the supplies to first responders in New Orleans during the very first days when apparently FEMA could not. Am I right?

Colonel DOWDEN. That's correct.

Senator LIEBERMAN. Can you tell us just a bit about that?

Colonel DOWDEN. Prior to Hurricane Katrina, we had an established relationship with Fisher because they provided other equipment that we often need and homeland security hazmat equipment, bomb suits, hazmat suits, those kinds of things. So when the hurricane hit and we began to encounter problems with being able to get what we needed to keep the police and the fire folks properly equipped or clothed, Mike Joseph basically reverted to what we knew would work, and with that established relationship, we began to post requisitions or requests with Fisher, and they honored those requisitions, and they filled those requisitions and got the equipment and supplies to our folks in New Orleans.

Senator LIEBERMAN. How did you make the request, by phone or computer?

Colonel DOWDEN. Telephone.

Senator LIEBERMAN. Telephone. And did they actually get it in in the first days after the storm?

Colonel DOWDEN. Yes, they did.

Senator LIEBERMAN. How did they do it?

Colonel DOWDEN. Various means, everything from UPS to FedEx to line-haul freight carriers.

Senator LIEBERMAN. But it wasn't going directly to New Orleans, was it?

Colonel DOWDEN. Yes, sir.

Senator LIEBERMAN. Even during those first few days?

Colonel DOWDEN. Yes, sir. We knew the routes that you could take into New Orleans, and so when we were in contact with Fisher, and in some cases they guided the drivers into New Orleans, and it was delivered. In the early days, that was the only way we were able to get some clothing—dry clothing and equipment and things of that nature to our police and firemen.

Senator LIEBERMAN. That is quite a story.

Thank you all for your testimony. Thank you for your service. Thanks, Madam Chairman.

Chairman COLLINS. Thank you.

Thank you very much for your testimony today. The hearing record will remain open for 15 days, so we may have additional questions for you for the record. But we very much appreciate your cooperation and your being here this afternoon.

Thank you. This hearing is now adjourned.

[Whereupon, at 5:04 p.m., the Committee was adjourned.]

A P P E N D I X



U.S. Immigration and Customs Enforcement

STATEMENT

OF

MICHAEL J. VANACORE
ASSISTANT DIRECTOR
OFFICE OF INVESTIGATIONS
OFFICE OF INTERNATIONAL AFFAIRS

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATE SENATE

“LAW ENFORCEMENT RESPONSE TO HURRICANE KATRINA”

FEBRUARY 6, 2006
WASHINGTON, D.C.

INTRODUCTION

Chairman Collins, Ranking Member Lieberman and distinguished Members of this committee, it is an honor for me to appear before you today to discuss U.S. Immigration and Customs Enforcement (ICE) and how our federal law enforcement and support personnel responded to Hurricane Katrina.

Before I begin to share with the Committee the details of our support to the people of New Orleans and Louisiana during and after Hurricane Katrina, I want to talk for a moment about the agency I am proud to represent.

THE ICE MISSION

ICE's principal mission is to protect the American people by combating criminal and terrorist activities that cross our borders and threaten us here at home. The men and women of ICE accomplish this by investigating and enforcing the nation's immigration and customs laws while also protecting vital federal facilities throughout the nation. Working overseas, along our borders and throughout the nation's interior, ICE agents and officers prove every day that the newly merged customs and immigration authorities create a powerful enforcement mechanism. Specifically, Title 8 of the U.S. Code allows ICE to detain and make arrests without a warrant for immigration violations. And Title 19 of the United States Code permits ICE to investigate complex banking and financial misconduct cases, conduct searches without first obtaining a warrant and to seize assets of criminal enterprises engaged in customs violations. These unique enforcement tools allow ICE to quickly detain arrest and remove from this country those who violate our

borders and also develop stronger cases that are more likely to be accepted for prosecution with more significant penalties.

By leveraging the full enforcement potential provided by the new and unique blend of customs and immigration authorities wielded by ICE, we are making it more difficult for potential terrorists and organized criminal groups to move themselves, their supporters or their weapons across our borders through traditional human, drug, contraband or financial smuggling networks, routes and methods. At the same time, our robust enforcement is yielding greater deterrence by combating the perception among U.S. businesses serving as magnets for illegal workers that less than full compliance with these laws is somehow acceptable. Our enforcement actions across the nation are increasingly underscoring this new, critical homeland security priority.

By virtue of their dedication, excellence and commitment, the men and women of ICE have made great strides since 2003 in building upon their traditional strengths and capabilities while simultaneously creating a new agency. We are rapidly and aggressively moving forward to realize ICE's full potential on behalf of the American people. While challenges undoubtedly remain ahead, ICE agents and officers across this nation will continue to excel in fulfilling their critical homeland roles and responsibilities.

Nowhere was this more evident than in our unprecedented response to Hurricane Katrina.

RESPONSE TO KATRINA

Prior to Hurricane Katrina making landfall, 30 ICE Federal Protective Service (FPS) personnel were on the ground, in the area, in preparation for the storm supporting the Federal Emergency Management Agency (FEMA) relief operations (food kitchens, medical assistance teams, Red Cross, evacuation shelters etc.) per agreement with FEMA and protecting federal facilities in the affected area. Additionally, an FPS Emergency Response Team (ERT) was deployed immediately from Washington, D.C. and further personnel were pre-staged along with resources in Houston and Fort Worth, Texas, Jackson, Mississippi, Atlanta, Georgia, and Tallahassee, Florida. As a component of ICE, FPS was on the ground before the storm came ashore.

In response to the magnitude of the storm and the subsequent flooding, ICE deployed large numbers of ICE law enforcement and support staff to the affected area. Six days after the storm made landfall, I deployed to the region. ICE also dispatched 498 additional ICE law enforcement personnel to the region by that date. That number jumped to over 1,000 by day eight. By that time our overriding mission was strengthening the law enforcement presence in direct support of Federal, State and local rescue and recovery efforts. Countless times, in response to the exigent circumstances in the area, ICE agents and officers participated directly in response, rescue and recovery efforts while also simultaneously establishing and visibly demonstrating a robust law enforcement presence. We accomplished this in the midst of countless life-or-death situations with an almost complete absence of local law enforcement capability and infrastructure. Over the course of ICE's commitment to the entire Katrina operation, we

deployed nearly 2,000 law enforcement officers, which included eight (8) special response teams, four (4) mobile command centers, and six (6) medical teams under the direction of four experienced, senior law enforcement managers.

By component, ICE's deployments included the following:

- Federal Protective Service (FPS): FPS deployed a total of 769 law enforcement officers to assist FEMA with all security issues associated with the relief effort, medical teams and general security issues, with pre-deployments beginning before the storm made landfall. Even today, FPS continues to support FEMA on the ground in the affected area with more than 80 deployed personnel.
- Office of Investigations (OI): OI deployed 458 law enforcement officers to the region. I, in conjunction with my FBI colleagues, assumed the role of coordinating the law enforcement presence while also assisting and participating directly in a variety of rescues and recovery efforts.
- Detention and Removal Operations (DRO): DRO deployed 181 law enforcement officers to the affected areas. DRO employed its substantial experience with large-scale contracts and mass mobilization to establish temporary quarters, resources and supplies for ICE and DHS personnel operating in the affected area. A tent city was established for 400 law enforcement officers, which included food service, fuel service and transportation services.
- Federal Air Marshals Service (FAMS): FAMS deployed 501 Federal Air Marshals to the New Orleans airport for airport security, humanitarian mission support and the joint interagency operations center. (FAMS was subsequently transferred to the U.S. Transportation Security Administration.)
- Office of Intelligence: ICE deployed five (5) intelligence analysts to the affected area. Intel organized data and pinpointed locations for the law enforcement officers in New Orleans to respond to several thousand backlogged 911 calls that the New Orleans Police Department was incapable of addressing. Intel utilized a variety of databases and queries to assist in the location of federal employees in the affected regions whose agencies were unable to be contacted following the hurricanes.

This was in addition to other DHS law enforcement assets in the Gulf, which included:

- Customs and Border Protection (CBP): CBP established a forward deployed operations command center in Hammond, Louisiana and deployed 699 law enforcement officers to the affected region. More than 200 CBP Border Patrol Agents performed a wide array of ESF #13 missions in response to Hurricane Katrina. CBP Air UH-60s and teams of Border Patrol Trauma and Rescue (BORSTAR) trained agents engaged in search and rescue operations. CBP Officers worked with the U.S. Coast Guard and other federal, state and local law enforcement boarding inbound vessels, facilitating the reopening of the Mississippi River and expediting the movement of international relief aid and other international trade.
- U.S. Secret Service (USSS): The Secret Service deployed 35 law enforcement officers to Mississippi and Louisiana in support of ESF #13 missions, including protecting Federal officials traveling in the region and facilitating the credentialing of federal law enforcement officers.
- U.S. Coast Guard (USCG): The U.S. Coast Guard placed many of its assets and approximately 5,400 of its law enforcement personnel in the Gulf. The Coast Guard performed a significant number of search and rescue missions as well as supporting ESF #13 in other areas of law enforcement.

With respect to my personal involvement in Hurricane Katrina, I was notified on Friday, September 2, 2005, that I had been selected to deploy to Louisiana and attended a meeting at DHS headquarters that same day. I departed Washington, D.C. by commercial air for Louisiana on Sunday, September 4, 2005. I was charged with serving as ICE's lead representative on the ground to help coordinate the ongoing Federal, State and local law enforcement activities while ensuring connectivity between the field and ICE headquarters. Over the course of ICE's support to Louisiana, our agents and officers completed thousands of law enforcement and security assignments and rescued hundreds of citizens from their residences. As part of their basic training, ICE agents receive a course of instruction on the National Response Plan and the National Incident Management System (NIMS). With the issuance of the NRP in December of 2004, in-

service training was in the process of being developed for ICE employees. ICE has also taken advantage of existing FEMA online training courses to permit our employees to better operate under NIMS, NRP and the Incident Command System.

Due to ICE's ability to quickly and fully locate its personnel in the hurricane affected area, ICE was requested to support other DHS agencies such as CBP, Citizenship and Immigration Services, TSA and the U.S. Coast Guard in locating approximately 115 missing DHS personnel in the affected area. ICE was able to directly locate 49 of the missing personnel for other DHS agencies. Working with the other agencies, ICE helped located the remaining missing employees. ICE personnel in Washington, D.C. also worked closely with the headquarters elements of our Federal counterparts to expedite the flow of personnel to the region. For example, ICE staffed the Emergency Support Function #13 (ESF-13) desk within FEMA's National Response Coordination Center. That desk position is the central DHS point of focus for Federal law enforcement response to a national emergency.

CONCLUSION

Any response to a natural disaster of this magnitude on U.S. soil cannot and should not escape close scrutiny in an effort to improve our ability to assist those affected. Many questions have been asked, such as what lessons have we learned on pre-hurricane deployments and how we can enhance emergency preparedness, strengthen command and control and increase coordination between Federal, State and local law enforcement, first responders and the National Guard?

The Department has publicly acknowledged that Katrina revealed problems in national response capabilities, stretching back more than a decade, and demonstrated the need for more comprehensive federal, state and local planning for catastrophic events. DHS has publicly announced that it will issue a comprehensive strategy to improve the nation's capability to manage catastrophic incidents in the very near future.

In closing, I would urge the members of this Committee that in the course of your important oversight responsibilities to consider that the numbers of DHS and ICE personnel deployed do not begin to tell the whole story. Every one of our deployed agents, officers and support staff left friends and family to help others in the face of great hardship and uncertainty. Upon arrival, our people worked round the clock in a very austere environment. Their tireless work and dedication to their mission reflected the very highest performance standards of the Department of Homeland Security. The degree to which people from different agencies rose to the occasion, worked together seamlessly and without institutional friction to surmount challenges was impressive.

At the outset, our goal was to provide critically needed assistance to the people of Louisiana during a very difficult time. We fulfilled our mission by assisting the people and police departments throughout that state and most importantly, we saved lives.

Thank you for your continuing support of the men and women of ICE and the Department of Homeland Security. I would be pleased to answer your questions.



**Statement of Kenneth W. Kaiser
Special Agent in Charge, Boston Field Office
Federal Bureau of Investigation
before the
Senate Homeland Security & Governmental Affairs Committee
February 6, 2006**

INTRODUCTION

Good afternoon Chairman Collins, Ranking Member Lieberman, and Members of the Committee. I am pleased to be here today to discuss the Federal Bureau of Investigation's response to Hurricane Katrina.

We are all aware of the catastrophic damage caused by this storm. Although the FBI has a broad mission, Hurricane Katrina posed unique and unprecedented challenges. Historically, the FBI has had a very limited role in response to natural disasters, but the large scale destruction of the Gulf Coast region from Hurricane Katrina, and the substantial failure of the infrastructure, lead to post-storm events, not previously experienced. With our assets, resources and crisis management experience, the FBI was able to address some of the unique law enforcement needs of the region following the storm.

BACKGROUND OF POST-LANDFALL DEPLOYMENT

Prior to the landfall of Hurricane Katrina, the Special Agent in Charge (SAC) of the FBI's New Orleans Division, James Bernazzani, had made preparations for continuity of his division's operations, including establishing a protocol for communications with his employees. These preparations included arranging for the deployment of personnel,

equipment, and supplies from the FBI's Operational Technologies Division in Quantico, Virginia, to Baton Rouge, Louisiana, where SAC Bernazzani intended to temporarily relocate his field office operations should that become necessary. As Hurricane Katrina made landfall, SAC Bernazzani and a small staff remained in the FBI office in New Orleans to ensure the security of the FBI's records, equipment, and evidence. Once the storm had passed, and FBI SWAT agents relieved SAC Bernazzani, he immediately relocated to a mobile FBI command post in Baton Rouge, which provided him with the communications equipment he needed to begin accounting for his personnel and re-establishing FBI field operations. As it became evident that the vast majority of FBI New Orleans Division personnel had been displaced, additional FBI personnel from around the country were deployed to New Orleans to ensure FBI operations continued.

On September 1st, the Office of the Attorney General directed the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Drug Enforcement Agency (DEA), the FBI, and the U.S. Marshals Service (USMS) to identify personnel, assets, and other resources for immediate deployment to areas impacted by Hurricane Katrina. On September 2nd, having received the inventory of assets and personnel available for deployment, the Attorney General issued a memorandum to the same agencies directing:

The FBI to continue to deploy Special Agents (including SWAT agents) and tactical assets (including helicopters, boats, and technical / communications assets) to the affected area;

The DEA to prepare to deploy Mobile Enforcement Teams, special agents, and tactical assets (including helicopters and other aircraft) to the affected area;

The ATF to establish a Violent Crime Impact Team (VCIT) in Baton Rouge, Louisiana, with related VCIT personnel and assets, to address any rise in criminal activity in that city; and

The USMS to continue to deploy Deputy U.S. Marshals and Court Security Officers to conduct prisoner transport operations and provide additional court security and to prepare to utilize the Justice Prisoner and Alien Transportation (JPATS) to deploy law enforcement personnel to airports around the country as needed.

I was deployed to Louisiana and designated the FBI Tactical and Emergency Operations Commander. As such, I was responsible for the command and control of all FBI tactical assets deployed to the area. My role was to coordinate and manage requests for standard SWAT operations such as high-risk arrests or search warrants, officer rescue operations, and other operations supporting federal investigations. I also directed the coordination, management and execution of critical infrastructure and site security operations requested by the Federal Emergency Management Agency or other components of the Department of Homeland Security (DHS) under the National Response Plan (NRP) Emergency Support Function 13 (ESF-13).

STATE OF LAW AND ORDER DURING HURRICANE KATRINA CRISIS

Upon my arrival in New Orleans on September 1, 2005, it was immediately apparent to me that the effects of the storm and subsequent damage to the levees had severely affected the ability of the New Orleans Police Department (NOPD) to perform effectively. NOPD officers were dealing with personal losses from Hurricane Katrina, were without a supporting infrastructure, and were depleted of such resources as communications, ammunition, transportation, and food. Effective law enforcement

activities could not be conducted under these circumstances. Also, many law enforcement agencies from around the country were sending resources into New Orleans.

Under the NRP, the Department of Justice (DOJ) and DHS are the coordinators of ESF-13, which is designed to provide a mechanism by which Federal law enforcement assets can be used to support State and local authorities with public-safety and security-related functions during an Incident of National Significance. DOJ tasked its coordination responsibilities for ESF-13 to ATF.

In addition to providing for the establishment of ESF-13, the NRP also contemplates that a Senior Federal Law Enforcement Official will be appointed during an Incident of National Significance to oversee the combined Federal, State and local law enforcement response to the incident. The FBI identified New Haven Division SAC Michael J. Wolf as having the experience and expertise to support this mission. SAC Wolf was deployed to Louisiana on September 4, 2005, and arrived late that evening, to begin the process of establishing an effective method of command, control and coordination of law enforcement assets in New Orleans.

SAC Wolf and U.S. Immigration and Customs Enforcement Assistant Director Michael J. Vanacore assumed the duties of Senior Federal Law Enforcement Officials (SFLEOs) after being identified by their respective agencies. In order to address the identified gaps in the law enforcement response, SAC Wolf established the Law Enforcement Coordination Center (LECC). The LECC is an entity which is not defined in the NRP, as are entities like the FBI Joint Operations Center, or the U. S. Secret Service Multiagency Command Center. The LECC was created as a solution to the unique challenges facing law enforcement in New Orleans following Katrina's landfall.

The purpose of the LECC was to coordinate, deconflict and track requests for and response to law enforcement support; to organize and coordinate interaction among law enforcement; to ensure coordination between law enforcement efforts and National Guard and Department of Defense operations; and to provide limited investigative and criminal law enforcement resources, until such time as the NOPD was able to maintain service without additional resources from other law enforcement agencies.

NATIONAL RESPONSE PLAN TRAINING EFFORTS

One of the missions of the FBI's Critical Incident Response Group (CIRG) is to provide training to select FBI personnel in the effective response to critical incidents. The FBI defines a critical incident as any situation, event, or set of circumstances that poses a serious threat, diverts significant resources, and/or demands command level coordination. Our training includes instruction on the National Response Plan, as well as other national plans and policies, and the roles and responsibilities of the FBI in accordance with them. CIRG conducts this training on a regular basis for members of the Senior Executive Service, including FBI SACs, FBI middle management at the FBI's Executive Development Institute, and field division Crisis Management Coordinators, who are the individuals within each field division tasked with ensuring the division's crisis response operational readiness. Additional training is afforded to all levels of FBI personnel through their participation in various inter-agency counterterrorism exercises, including the Senior Official and TOPOFF series of exercises.

LESSONS LEARNED

The FBI's after action review process of our involvement and performance in response to Hurricane Katrina is ongoing. Our Critical Incident Response Group has

facilitated two after action review meetings. The first of these was conducted in October, and focused on the effectiveness of national plans and policies, as well as responses to specific questions of this Committee in your October 7, 2005, letter to Attorney General Gonzales. A second review was conducted on January 17, 2006, and focused on the FBI's operational response to this catastrophe. CIRG is preparing a written report which will detail the outcomes of these reviews, including lessons learned, best practices and recommendations for improvement. FBI executives are also engaged in the Administration's review of the federal government's response to Katrina, and continue discussions with other departments and agencies about ways to improve our response to such catastrophic events.

Thank you for the opportunity to appear today. I would be happy to answer your questions.

Testimony of Warren J. Riley

Superintendent of the New Orleans Police Department

before the

Senate Committee on Homeland Security and Governmental Affairs

Monday, February 6, 2006, 2:00 p.m.

To the Honorable Senator Collins as Chairperson, Senator Lieberman as Ranking Member, and to all members of the Senate Committee on Homeland Security... Thank you for the opportunity to be here today to speak to you directly on behalf of the men and women of the New Orleans Police Department.

I am Warren Riley, Superintendent of the New Orleans Police Department. I was sworn in as Superintendent on November 28, 2005. When Hurricane Katrina struck, I was the second ranking officer under then Superintendent Edwin Compass. As the Chief Operations Officer, I was responsible for all field units, criminal investigations, and proactive crime fighting strategies and activities within the New Orleans Police Department. Over seventy percent of the New Orleans Police Department came under my direct command. When Hurricane Katrina made landfall, the NOPD had a force of 1,668 sworn officers. Again, I appreciate this opportunity to inform you on how we planned for and managed the crises that occurred as a result of Hurricane Katrina.

To begin, on Saturday, August 27, 2005, at about 7:30 a.m., I received a call from the Director of Homeland Security and Public Safety for the City of New Orleans, Colonel Terry Ebbert, and was instructed to meet him at City Hall as soon as possible. When I arrived at City Hall, I was met by Colonel Ebbert, Deputy Superintendent Steven Nicholas, the Assistant Chief for the Technical and Support Bureau, and Superintendent Edwin Compass. At that meeting, we were advised by Colonel Ebbert that Hurricane Katrina would in fact impact New Orleans in a drastic way. After a brief conversation with Colonel Ebbert, then Superintendent Compass called for an immediate Command Staff meeting. We met with every commander and most of the assistant commanders of each division and major unit within the New Orleans Police Department. That meeting began at 10:00 a.m. that same Saturday morning.

We advised the Command Staff that Hurricane Katrina was expected to be a very severe storm - Category 3 or 4, and we would possibly be in the direct path of the storm. We informed the Command Staff that Hurricane Katrina might in fact, cause substantial wind damage and possible street flooding.

The NOPD maintains an Emergency Preparedness Plan, which is reviewed and revised annually prior to hurricane season. The Plan outlines the requirements, duties and responsibilities of each respective Bureau Chief and major command within the department. The Plan was reviewed prior to the first meeting with the departmental commanders, and a summary outline was provided to commanders during the 10am briefing on Saturday, August 27th. The primary duties and requirements were discussed at that time.

All Commanders were instructed to, first and foremost, ensure their officers provide for the safety of their families. As per instructions from then Superintendent Compass, commanders were advised to be prepared for storm duty by 4pm on Sunday, August 28th. Vehicles were to be fueled and a limited number of vehicles were to remain in service. The remainder of the fleet was to be stored in prearranged, designated locations above ground where commanders believed they were safe and easily accessible. Those commanders who believed that they did not have, within their geographic districts, suitable parking facilities, were instructed to place the vehicles in one of two designated parking garages in the Louisiana Superdome. Our own limited number of full-size SUV's remained in service.

On Sunday, August 28th, we continued communications with all of the various commanders, assuring that all necessary actions were being taken in preparation for the storm. Later that day, Mayor Nagin announced a mandatory evacuation of all citizens in the City of New Orleans.

The responsibility of the New Orleans Police Department was to traverse all areas of the city with marked units, lights and sirens on, announcing through their public address systems that there was a mandatory evacuation – that all citizens must leave – must evacuate – the City of New Orleans. Officers were staged at numerous locations around the city, where bus transportation was provided to transport citizens to the Louisiana Superdome. This effort continued until storm winds reached 50-55 mph, at which time all officers were directed to relocate to their pre-staged locations to weather the storm.

On Sunday night, August 28th, I, along with members of my staff and Assistant Superintendent Steven Nicholas, reported to Police Headquarters. We prepared to weather the storm with our staffs, all essential communications personnel, recruits, and other units, as well as civilian employees, and family members.

Strong storm winds began to roll in about 5:30 Monday morning. I was in my office on the 5th floor of Police Headquarters and as I looked out of my window, I could see the wind. If you can imagine seeing the wind – that is how strong it was. I could hear the wind blowing, and hear the tornadoes coming. Once, sometimes twice in an hour. I knew they were tornadoes because they sounded like a freight train passing. Sometimes, that sound was too close for comfort.

As I was looking out of my office window, the window started to leak. The ceiling tiles began to fall and the entire frame for the window blinds came out of the ceiling. At that point we all moved from offices into the hallways.

At about 7 a.m. I went down to the communication section on the 2nd floor to contact my commanders and get a status report. When I walked into Communications, almost every Dispatcher and 911 Operator was crying. I asked one of the supervisors what was going on? She stated, “Chief, you have to listen in on the calls.” I was given a headset.

I did not know that only moments earlier, the Industrial Canal levee breached and had an almost two hundred yard opening and water was now pouring into the Lower 9th Ward. As I listened, I heard panicking mothers, fathers, husbands, wives and children desperately pleading and begging for help. They were asking if there were boats or helicopters available. They had water rising in their homes. Some of them were stating:

- "I can't swim!"
- "My babies can't swim!"
- "My husband has drowned, please help me!"
- "The water's to my neck and I can't swim!"
- "Oh my God, the wind just blew my husband off the roof!"
- "GOD, please help me!!!"

When the water hit the Lower 9th Ward, it went from nothing to as high as 14 feet within twenty-three minutes.

We had over 600 - "911" calls within 23 minutes. The calls came in as the streets flooded from West to East. Water flowed down the streets, from - Jordan Road, Tennessee Street, Flood Street and into St. Bernard Parish.

Understand, our Dispatchers and 911 Operators heard the desperate pleas for help, but were powerless to assist. They could not dispatch officers because the weather conditions were too dangerous. We still had sustained winds in excess of 100 mph. Pursuant to the Emergency Preparedness Plan, we cannot respond to emergency calls once sustained winds are greater than 55 mph.

Around 9:30 a.m. that day, the levees in Lakeview breached and more desperate calls came from citizens trapped in their homes. Later that morning, the water overtopped the levees in Eastern New Orleans and then the London Avenue Canal breached.

As the day wore on, we learned that close to three hundred police officers assigned to the Fifth, Third and Seventh Districts were now stranded by flood water. Their vehicles were under anywhere from 8 to 13 feet of water and the officers had to be rescued. It took from 24 to 48 hours to rescue all three districts.

We had over 80 off-duty officers stranded on rooftops and in attics for many days.

The 3rd, the 5th and the 7th Districts were all located in three different medical facilities – two hospitals and a dental school – that were from 6-8 stories tall. When the generator failed at one of the hospitals, the 5th District personnel assisted medical staff in efforts to provide life support. The 5th and the 7th insured that patients were evacuated from those medical facilities prior to leaving. The 3rd and the 7th Districts had to be rescued due to high water. The 5th District walked out in chest deep water. All three of those units lost vehicles that were staged for their later use, due to high water.

The 1st, 2nd and 6th Districts immediately began to respond to 911 calls and assist in rescue operations. These officers also secured heavy equipment from work sites throughout the area and began removing obstructions from major streets, so that officers could respond. The 4th and 8th Districts, which did not sustain flooding immediately, deployed anti-looting units to shopping areas and businesses.

Using the three boats that we have, Special Operations Division began water rescue operations and responded to 911 calls. At this time, many officers, using their own personal boats, joined in to assist with rescue operations. The bottom line is - we shifted from traditional police response to search and rescue. Our priority was to save as many lives as possible.

We had numerous calls for assistance from off-duty officers who were not expected to report to work until 4:00 p.m.

Let me give you one real example of what our officers went through.

Very early in the morning, while the winds were still very strong, we received via police radio, a call for assistance from Officer Chris Abbott, who lived in Eastern New Orleans.

Officer Abbott advised that he was in his attic, water was up to his chest, and the water was rising very fast.

He stated, "I'm getting tired. I don't know if I'm going to make it this time." Officer Abbott had been shot in the line of duty twice before.

Captain Jimmy Scott, Commander of the 1st District and former SWAT commander, and now a Deputy Chief, began to communicate with Officer Abbott. He told Officer Abbott that he could make it, to hang on. He asked Officer Abbott to find the attic vent. Officer Abbott stated that he was near the attic vent. Capt. Scott instructed him to attempt to push or punch out the attic vent. Officer Abbott after several attempts stated he tried but he couldn't. He said again, "I don't think I'm going to make it. I'm getting very tired." He then began to thank everyone on the department for all that they had done for him.

At that time, Captain Scott asked if he had his weapon and if he had all of his rounds. Officer Abbott stated he had his weapon and all 45 rounds. Captain Scott instructed him to carefully fire each round around the base of the attic vent. Captain Scott advised him to "shoot them all." There was then no response from Officer Abbott for about 5 minutes. Many officers listened as officers continued to ask, "Chris, are you there? Are you OK?" After about 5 minutes Officer Abbott advised, "I'm halfway out. I'm going to make it."

Imagine the joyful relief of the many officers listening, including those who were stranded in other desperate situations.

And this is only one of the many adversities and challenges that the men and women of the New Orleans Police Department overcame.

In closing, there are many other heroic stories that were never told and may never have an opportunity to be expressed.

Much has been said about officers abandoning their position during the storm, and it is true that about 147 officers abandoned their positions. However, they are no longer a part of the New Orleans Police Department.

Our dedicated officers are still working hard every day. Eighty percent of our officers lost homes; families were displaced; some are living on a ship, in trailers, or elsewhere, separated from spouses and children and seeing their families only every three or four weeks.

Admittedly, we did not handle everything perfectly. We hold ourselves accountable. We are working to ensure that lessons learned are implemented in our future Emergency Preparedness Plan.

Madam Chair, Senator Lieberman and all of the members of this Homeland Security Senate Committee, one thing you should know is that 91 percent of the members of the New Orleans Police Department **PROTECTED, SACRIFICED, SERVED, PRAYED, AND STAYED** all the way through Katrina and its seemingly endless devastation.

I am now prepared to answer your questions....

**United States Department of Homeland Security
National Communications System
Statement of Dr. Peter M. Fonash
Deputy Manager
Before the
Senate Committee on Homeland Security and Governmental Affairs
February 6, 2006**

I. Introduction

Thank you, Mr. Chairman and distinguished members of the Committee. I am Dr. Peter M. Fonash and I am honored to testify before you today. I am the Deputy Manager of the National Communications System (NCS), which is aligned within the Preparedness Directorate of the Department of Homeland Security (DHS).

In my testimony today, I will explain the role that the NCS played in preparing for and responding to Hurricane Katrina. The NCS' greatest concern was meeting the needs of those affected by Hurricane Katrina and our first priority was trying to facilitate provisioning and restoration of communications services.

In October 2005, I testified to the House of Representatives Committee on Homeland Security, Subcommittee on Emergency Preparedness, Science and Technology while we were still in the midst of our response and recovery efforts. Since that time, the NCS has been actively working to identify and mitigate problems identified during the response to Hurricane Katrina. For example, we conducted after action planning sessions with Emergency Support Function 2 (ESF-2) representatives from headquarters and the field, and hosted an operations plan refinement meeting with all the ESF-2 support agencies. Near term planning actions are aimed at plans that will be consistent with overall DHS directions, and include consideration of developing an inventory of DHS and ESF-2 member agencies' communication assets that could be available during a disaster, and identifying additional personnel resources to act as full time regional ESF-2 coordinators. As a result of these activities, we will have a plan that all the ESF-2 support agencies understand and are better prepared to execute.

As you know, Hurricane Katrina was one of the worst natural disasters in our nation's history, impacting an area of approximately 90,000 square miles. For perspective, the area impacted by Hurricane Charley in 2004 was 1,500 square miles. Also, as a result of Charley, more than 150,000 customers were without phone service. In contrast, more than 3 million people in the Gulf States lost phone service due to Hurricane Katrina, and over 180 central office locations were running on generators due to loss of commercial power.

The NCS' authorities and responsibilities regarding emergency communications stem from two principal federal documents. I will give a very brief overview of these and then detail the NCS' Hurricane Katrina actions for you.

The NCS was created by President Kennedy on August 21, 1963 via presidential memorandum and was formalized by President Reagan in 1983 under Executive Order 12472. The NCS is a consortium of federal departments and agencies that have assets, resources, requirements and/or regulatory authority regarding national security and emergency preparedness (NS/EP) communications. Today, the NCS has 23 different federal entities, including the Department of Defense, General Services Administration, FEMA, National Telecommunications and Information Administration, intelligence agencies, the State Department and the Federal Communications Commission, among others. The Office of the Manager, NCS, is comprised of approximately 100 civilian and military personnel and executes NCS programs and activities. As set forth in the governing Executive Order, the NCS assists the President, the National Security Council, Office of Science and Technology Policy, Homeland Security Council, and the Office of Management and Budget in coordinating the planning and provision of NS/EP communications for the Federal Government under all circumstances, including crisis or emergency, attack, recovery, and reconstitution.

The NCS has a history of addressing issues which cut across the Executive Branch. One important effort has been the establishment and tasking of the Continuity Communications Working Group (CCWG). The CCWG, within the past year, has initiated work on a Continuity Communications Enterprise Architecture. This effort will help to support Minimum Essential Functions of the Federal Government under all circumstances, including crisis, emergency, attack, recovery, and reconstitution. As mandated by Executive Order 12472, the NCS also includes an industry component, which was especially valuable during Hurricane Katrina, called the National Coordinating Center for Telecommunications, or NCC, a joint industry/Government body within the NCS. The operational mission of the NCC is the coordination of restoring and reinstituting NS/EP communications in an emergency. The NCC operates a 24 hour, 7-day a week watch center—which during Hurricane Katrina conducted daily analysis and situational monitoring of ongoing events and response capabilities. The NCC houses both industry representatives and Government counterparts in the same physical space to facilitate information sharing and coordination of activities. Executive Order 12472 also charges the NCS to ensure development of a federal communications infrastructure for a range of national security/emergency purposes, including preparing for and responding to hurricanes such as Hurricane Katrina. This includes critical features such as priority communications, and infrastructure redundancy. A key tenet of ensuring communications is reliance on the resiliency and rapid restoration capabilities of the commercial communications infrastructure (e.g., BellSouth, AT&T) necessitating strong relationships with industry.

The NCS works closely with organizations within the Federal government to ensure NS/EP communication requirements are built into technology solutions. For example, the NCS engages with the DHS Science and Technology Directorate, Office for Interoperability and Compatibility (OIC) on the development and creation

of standards pertaining to communications. NCS also works with the Department of Defense on the development of security standards for next generation networks. In addition to the roles and responsibilities assigned by Executive Order 12472, the NCS has a specific communications role in the current National Response Plan, or NRP. Specifically, the NCS is the lead agency with responsibility for Emergency Support Function 2 (known as "ESF-2"), which is the communications component of the National Response Plan. The Communications Annex "ensures the provision of Federal communications support to Federal, State, local, tribal and private-sector response efforts during an Incident of National Significance."

In supporting ESF-2, the NCS's NCC functions as a central point of coordination and information sharing for communications infrastructure operators. Once notified of a Federal disaster, the NCC works with its federal government and industry partners to:

- Assess anticipated/actual damage
- Identify communication requirements
- Prioritize requirements
- Monitor the developing situation/response
- Render status reports
- Coordinate communication service provisioning and restoration as required with industry members and other communication providers

To facilitate coordination of industry/Government operations during an emergency, the NCS has established and continuously operates several priority service programs, which help to ensure critical calls are completed in the event of congestion or damage to the national commercial communications infrastructure, each of which was heavily utilized in the response to Hurricane Katrina.

For example: The *Government Emergency Telecommunications Service (GETS)* program provides priority treatment for authorized users to ensure a higher rate of call completion during periods of outages or congestion resulting from disasters. Simply put, the phone call of a GETS user such as a state employee or hospital worker could go through before others. During Hurricanes Katrina and Rita, the NCS issued over 1000 new GETS cards and over 40,000 GETS calls were made in the ensuing recovery period. Over 5,500 calls alone were made by emergency response officials in Louisiana allowing them to complete calls that otherwise would not have gone through due to congestion and outages resulting from the damage to the infrastructure. The rest were made by a mixture of Federal, other state government or industry emergency responders.

The *Wireless Priority Service (WPS)* program established a wireless counterpart of GETS, providing priority treatment for calls made during periods of wireless network congestion by personnel with NS/EP missions. The need for this program was recognized after 9/11 because many Federal, State and local Government and industry leaders utilize wireless as a primary means of mobile

communications. During Hurricanes Katrina and Rita, the NCS provided WPS service to over 4,000 emergency response officials and NS/EP users.

The *Telecommunications Service Priority (TSP)* program establishes a regulatory, administrative and operational framework for restoring and provisioning of priority communications services. Through this program, the FCC authorizes and requires service vendors to give priority to restoration and provision of service to those with TSP assignments. TSP is distinct from GETS and WPS, which provide priority for individual calls over the network in an emergency. During Hurricane Katrina, the NCS completed more than 3000 TSP assignments. Restoration of these services supported key Federal, State, local and commercial activities, such as emergency response at all levels, hospitals, and the military.

The *Shared Resources High Frequency Radio Program (SHARES)* provides a single, interagency emergency message handling system using High Frequency (HF) radio when other communications methods are unavailable. SHARES uses common radio operating and message formatting procedures and more than 250 designated frequencies. Participation in SHARES is open to all Federal departments and agencies and their designated affiliates on a voluntary basis. More than 90 Federal, State, and industry organizations currently contribute resources. The use of SHARES was an overwhelming success within the first few days of the aftermath of Hurricane Katrina. The NCS coordinated participation by 431 SHARES stations. Some of the accomplishments of SHARES include:

- Assisted local Governments and Federal entities with search and rescue missions for over 100 missing people in the affected area by relaying critical information regarding those persons to the appropriate agency.
- Relayed critical logistical and operational information from FEMA and Atlanta's EOC into the Mississippi and Louisiana EOCs.
- Coordinated with National Aeronautics and Space Administration's (NASA's) Disaster Assistance and Rescue Teams, Communications Group, assisting them in their preparations for deployment to Stennis Space Center.
- Provided frequency coordination with Department of Energy, FCC, Military Affiliate Radio System, the U.S. Navy, FEMA, Civil Air Patrol, Amateur Radio Emergency Services (ARES)/Radio Amateur Civil Emergency Service (RACES), Louisiana EOCs and Mississippi EOCs.
- Coordinated inter-communications between SHARES and ARES/RACES emergency networks.
- Established contact with deployed Navy ships USS Truman and USS Bataan which were detailed to New Orleans to assist with the Katrina disaster.
- Relayed health and welfare message traffic between volunteer agencies in Georgia and the National Red Cross Headquarters in Washington, D.C.

Pre-landfall Preparation:

Hurricane Katrina made its second landfall (Gulf Coast) on August 29, 2005. By August 28, 2005, the NCS' preparations for Hurricane Katrina included:

- Heightened the NCC Watch's alert status providing monitoring and reporting capabilities
- Placed Emergency Operations Teams on 24 hour stand-by
- Established national and regional ESF 2 staffing structure on short notice with support from GSA and DoD personnel
- Issued TSP assignments, GETS cards, and WPS procedures
- Prepared SHARES for Level 1 activation
- Placed GETS and WPS user support on 24 hour alert
- Activated National Response Coordinating Center ESF-2 desk at the FEMA Headquarters to provide level 1 (24x7) support (effective August 27, 2005, at 7 am Eastern Standard Time (EST))
- Began staffing Region IV, Atlanta, Georgia, Regional Response Coordinating Center
- Activated ESF-2 at Region VI, Denton, TX on August 28, 2005, at 7 am EST
- Staged mobile communications equipment in MS and LA to support local law enforcement and state and local government officials
 - Contacted local High Frequency organizations in Louisiana, Mississippi, Texas, and Alabama and conducted a teleconference with Nationwide Emergency Communications Service controllers
 - Conducted analysis of critical communications assets in the projected impact area.

All impacted communications companies moved Emergency Response teams and equipment to the region, established communication bridges among carriers, and activated damage assessment teams. In addition, Bell South opened its Operations Center to all carriers for coordination purposes. Industry and Government participated in joint conference calls, which were conducted daily through the NCC. Communications companies performed assessments from Hurricane Katrina's Florida landfall and continued with preparations for Hurricane Katrina's second landfall. As of August 28, 2005, the NCS/NCC coordinated the following preparations with communication companies:

- Moving company personnel to safety
- Rerouting of traffic loads away from projected impact areas
- Moving Emergency Response Teams into staging areas
- Identifying over 427 Cell on Wheels (COWs) and Cell on Light Trucks (COLTS) to be deployed into damaged areas to meet initial cellular communication requirements while the infrastructure is being restored
- Identifying communication vans, satellite packages, and pre-deployment of MCI and AT&T mobile communications vans that could be contracted by the Government if needed

- Coordinating with fuel and equipment suppliers
- Deployment and staging of generators
- Identifying 250+ satellite handsets that could be deployed in the event of major cellular system damage
- Coordinating for satellite capacity
- Requesting relief from Federal and State reporting and service requirements due to evacuation of personnel from call centers, service centers, and other operations such as remote monitoring and control

III. RESPONSE:

From Monday August 29, 2005 the day of landfall on the Gulf Coast, through the levee breach and the following days, the NCS engaged in many round-the-clock actions. In addition to exercising the priority programs discussed, the NCS' NCC played numerous coordination and facilitation roles. Specifically, the NCS activated SHARES on August 29th and worked to coordinate with United States Northern Command (USNORTHCOM) to identify and deploy communication assets. At this point, communications service providers were awaiting physical access to facilities to evaluate their networks and reporting was sparse during the first 24 hours of the storm.

Katrina caused unprecedented damage to the communications infrastructure. In the telecommunications sector, more than three million phone customers were without service. For the first time in history, switching centers were out of operation due to water damage. Numerous 9-1-1 call centers were down and up to 2000 cellular towers were out of service shutting down telecommunications networks throughout the area. In addition, significant damage had been inflicted on first responder Land Mobile Radio (LMR) communications. As of September 2, 2005, all systems were in place for the ESF-2 elements to receive communications requests from the affected region, both through the JFOs and independent requests. In the ensuing period, the ESF-2 elements on location:

- Identified and dispatched satellite vans to various locations affected by the hurricane, including New Orleans City Hall, State Police in Baton Rouge, the Mobile Army Surgical Hospital (MASH) at New Orleans Airport, and to the National Guard in Jefferson Parish
- Dispatched mobile capabilities, such as COLTs, to provide communications to the JFO and offer cellular service to the Louisiana State Emergency Operations Center (EOC)
- Delivered mobile communications trucks to the State EOC and to staging areas for Federal and Industry responders
- Delivered satellite handsets to emergency responders in Louisiana, Mississippi and Alabama
- Initiated contacts with State EOCs to determine communication requirements

- Identified the requirement to replace the destroyed LMR infrastructure in eight parishes in Louisiana. Worked with FEMA to initiate contract to provide replacement system
- Designed and installed new E-911 System in Plaquemines Parish
- Within 48 hours of Hurricane Rita making landfall, arranged for installation of a 106 foot, portable, Emergency Response Tower to Jefferson Parish to replace the destroyed 400 foot permanent tower supporting first responders in Jefferson Parish
- Deployed cellular capabilities to Cameron Parish to replace communications devastated by Hurricane Rita
- Coordinated shipping of 100 satellite units to NORTHCOM
- Coordinated request for communication services for the Carnival Cruise ship Holiday in Mobile, AL to support 1,000 evacuees temporarily housed on the vessel.

Throughout the crisis, industry representatives repeatedly made clear that in order to maintain existing communications, to assess damage to its communications infrastructure and to begin to make repairs and deploy alternative services, they needed to get fuel to locations, to have security to protect personnel, communications infrastructure, staging areas and fuel convoys, and to have access to locations in need of repairs.

The NCC assisted industry by coordinating security forces and requirements between industry and Government to protect repair teams, communications sites, and staging areas. In addition, in a limited number of circumstances, the NCC arranged to provide communications carriers and broadcast companies with generators where the power was out, fuel for generators, and power outage maps. The NCS recognizes the interdependencies with other infrastructures and has established a relationship with the Energy Information Sharing Analysis Center through the response to previous disasters.

Close coordination was achieved throughout the hurricane response period. Highlights of the NCS's NCC activities include:

- Conducted twice daily conference calls with government and industry representatives. Participants included representatives from communications companies (wireline, wireless, satellite) and from numerous federal entities located in the field and in Washington, including NCS, GSA, FEMA. These calls facilitated information sharing and coordination of response actions.
- Facilitated the provisioning of the United States Marshals Service and Federal Bureau of Investigation (FBI) personnel to protect the most important communications center in New Orleans. These law enforcement officers provided security for employees who felt threatened by individuals outside the facility. The U.S. Marshals and FBI escorted employees and fuel trucks to and from the facility, and provided facility security.

- Provided the local carrier with detailed satellite images which were unavailable to the carrier until the NCC stepped in to help. This enabled the carrier to prioritize its restoration efforts by providing information on which areas were still totally flooded.
- Successfully coordinated offers of assistance for communications resources and assets (such as satellite phones) from local, national and international sources.
- Facilitated fuel delivery for broadcasters in the region.
- Maintained full time liaison with U.S. Northern Command for coordinating communication support to affected areas.
- Provided commercial emergency mobile assets and coordinated military assets to support local authorities following Hurricane Rita.
- Provided status reports to DHS and the White House.

In spite of these challenges, the NCC was able to assist industry by coordinating security forces and requirements between industry and Government to protect repair teams, communications sites, and staging areas. In addition, in a limited number of circumstances, the NCC arranged to provide communications carriers and broadcast companies with generators where the power was out, fuel for generators, and power outage maps. The NCS coordinated closely with FEMA and local authorities to provide the carriers access to locations in need of repair.

In the impacted areas, ESF-2 worked with state and local governments to help identify and provide solutions to their communication needs. ESF-2 arranged for mobile satellite and cellular vans and for hundreds of satellite phones.

IV. CONCLUSION:

Next Steps:

The extent of the destruction and damage to communications infrastructure and services caused by Hurricane Katrina greatly exceeded any other disaster previously encountered by the NCS. A hurricane of the historical magnitude of Hurricane Katrina stressed the processes and procedures of the NCS and required ESF-2 to perform functions, such as providing an interim Land Mobile Radio system to 8 parishes, which had never been done before.

Now that the NCS has completed its role in assisting with the restoration efforts in the wake of Hurricanes Katrina, Rita, and Wilma, we are currently examining its actions, identifying issues and lessons learned and developing recommendations. Our After Action sessions and current Operational Plan modifications demonstrate our full commitment to incorporating lessons learned into future plans, procedures, and capabilities. Our goal is to look at both short-term and long-term improvements—focusing on what we can accomplish in advance of the 2006 hurricane season. In particular, the NCS is preparing to finalize the operational plan modifications with the ESF-2 support agencies by March, then will work with

them to develop a series of Standard Operating Procedures for both the primary and support agencies. Once these SOPs are developed, we will conduct an exercise of ESF-2 functions in the mid-May timeframe to ensure the plans are thoroughly understood by those who will be part of any Federal response team.

Some of the areas that will be considered are: working with ESF-13 (Public Safety and Security) to develop improved physical security mechanisms, standardized and pre-approved emergency credentials to vital communications and other key infrastructure providers, examination of mechanisms for improved facilitation of industry assessment, fuel availability and repair efforts, examination of the knowledge and skill sets needed to be part of the response teams, increased level of exercises with industry, state and local government and improved acquisition of and coordination for emergency communication capabilities. The NCS will continue to work with industry and government to improve the hardness and restorability of the nation's communications network.

PREPARED STATEMENT OF FG DOWDEN

By way of introduction, I am FG Dowden and I currently serve as the Regional Liaison for the New Orleans Department of Homeland Security and Public Safety. In this position I represent the city and I have worked for the last two years to develop and execute communications interoperability projects and issues with St. Bernard, Plaquemines and Jefferson Parishes which, along with New Orleans, make up Louisiana Urban Area Security Initiative (UASI), Region 1. I want to thank you for the invitation to testify before the Homeland Security and Governmental Affairs Committee and the opportunity to assist your committee and the nation in improving our capability for communications interoperability in response to catastrophic events. Hurricane Katrina was a natural disaster that destroyed or damaged our communications infrastructure and made it extremely difficult and, in some cases, impossible to react and to coordinate the massive response and recovery effort brought on by the storm. Thousands of lives and property were put at risk because of the extensive damage and losses to the communication systems that were in use by various agencies within the respective parishes. The ability to communicate with state and federal agencies, in most cases, was limited to a few land lines, satellite phones and data links. Today I would like to provide you with information relative to the challenges to communications and communications interoperability prior to and during the storm and a status on where we are as we move forward.

Prior to Hurricane Katrina, we had over seventy first responder agencies operating over myriad disparate voice radio communications systems within the region. The two-

way radio spectrum ranged from your very basic simplex radios, to more advanced VHF and 400 MHz systems, to the more modern and sophisticated 800 MHz trunked radio systems. Two parishes were operating systems that had far exceeded their normal service life and which challenged the best radio technicians to keep them operational on a daily basis. Day to day operability was challenging to say the least. Additionally, within those two parishes they were operating on several different types of proprietary systems which in many cases could not communicate with each other. The other two parishes were operating more modern and technically sophisticated 800 MHz trunked digital or analog systems. In the case of New Orleans, the city 800 MHz network supported police, fire, emergency medical services and the Office of Emergency Preparedness over a common shared system. Jefferson Parish was supported by two 800 MHz trunked radio systems, one of which supported the parish government and the other the sheriff's department. The state agencies were operating on a different 800 MHz trunked analog system and federal agencies were operating on VHF spectrum and other radio systems, depending on the agency. As you can see, in addition to the day to day operational issues, communications interoperability was extremely problematic. Recognizing these problems, New Orleans and Jefferson law enforcement had put in place console patches connecting their 800 MHz controllers and this provided some level of interoperability. Local agencies in coordination with federal agencies and with support from a Public Service Wireless Network project had used bridging technology in the form of ACU 1000's to connect disparate radios from seventeen local, state and federal agencies and provide interoperability. Recognizing the interoperability problems, the City of New Orleans had applied for and received a Community Oriented Policing Services (COPS) grant which,

with the local cash match, totaled \$7.3 million dollars. The grant would provide the basis for improving day to day operability within each parish and improve interoperability within the region. We were sixteen months away from the completion of the project when we were struck by Hurricane Katrina. Additionally, working in coordination with the Interoperable Communications Technical Assistance Program (ICTAP) provided by the Department of Homeland Security, we had begun the effort of aligning our regional operating procedures and protocols through the completion of a Regional Tactical Interoperable Communications Plan and in late June had conducted a tabletop exercise as part of the validation process for that plan. A follow on exercise was scheduled for late September; however, that exercise was preempted by Hurricane Katrina.

Before moving on to address the impact of Hurricane Katrina on voice communications, I would like to briefly address funding issues related to public safety or first responder communications systems. In conjunction with the development of the application for the COPS Grant, the Region analyzed options for creating a region wide, shared 800 MHz trunked digital system in support of where it was thought that the Region should go in order to achieve the highest order of operability and interoperability. The cost estimates ranged as high as \$45 million and it was viewed as cost prohibitive; therefore, a plan was developed that would move us to a region wide shared system in a phased approach over time. The plan moved St. Bernard and Plaquemines Parishes onto the Jefferson Parish law enforcement system, which would be upgraded to a dual mode P25 compliant 700 / 800 MHZ system and then link the Jefferson and New Orleans systems together through an interoperability switch. The expectation was that, as additional funds became available through additional COPS or UASI grants, New

Orleans could migrate to a dual mode P25 compliant system and then further link the Region to the state. The point here is that, even in ordinary times, most agencies who operate on the margin from a fiscal standpoint, can not afford to invest in a modern technically advanced voice radio communications system without significant federal grant support. After a catastrophic event such as Hurricane Katrina, local governments are faced with even greater financial challenges and must rely even more on outside funding and “no cost” outside assistance for some project management, technical and engineering support such as that provided by the ICTAP program provided by the Department of Homeland Security.

Hurricane Katrina had a devastating impact on the communications infrastructure in the four parishes making up Region 1. In St. Bernard Parish the extreme winds took away communications towers and antennas, and flood waters inundated the 911 center and forced the evacuation of buildings housing communications for the Fire and Sheriff's Departments. All voice radio communications were lost except for very limited radio to radio communications. In Plaquemines Parish, the parish government communications tower and communications center along with their microwave antennas were lost. The Plaquemines Sheriff lost the 911 communications and dispatch center and all towers. In short, all agencies in Plaquemines Parish lost all communications and it was almost three weeks before they had any means of voice communications. The Jefferson Parish Sheriff's office lost the main tower supporting their communication system and suffered damage to other sites throughout their system. Today antennas supporting their communications center are still temporarily located on the 400 foot boom of a crane. During and in the aftermath of the storm, the Region's only means of voice radio

communications was the use of five or fewer mutual aid channels. In New Orleans, one tower was inundated by the storm surge and remains inoperable, two towers had equipment damaged or lost power because of flood waters, and the 911 centers and police, fire, and EMS dispatch centers were all impacted and rendered unusable by flood waters. The City also was forced to rely on a limited number of mutual aid channels. The ACU 1000 interoperability switch which was located with the fire department had to be abandoned because of the flood waters, therefore the interoperability between the four parishes and state and federal agencies was lost. It also needs to be stated and clearly understood that the communications failures were a result of catastrophic physical damage or loss as a result of the extremely high winds, storm surge and flooding and not the result of actual system failures, even in the older systems.

As you have heard, the impact of Hurricane Katrina was severe and it has left the Region scrambling to restore communications before the next hurricane season, which is only five months away. The repair or replacement of infrastructure such as communications towers that were damaged by the storm and rightfully eligible for replacement and reimbursement by FEMA has languished. Some efforts at the state or federal levels have complicated the effort to restore capability and interoperability. We, as a region, totally understand the implications of entering this next storm season without our communications systems fully operational and we are currently working on two parallel efforts to restore our communications. The first is to patch together what we have left, what has been provided by FEMA and what equipment we can purchase immediately and reuse in the future. This temporary solution will support all of the agencies in the Region and will provide interoperability and redundancy to the fullest

extent possible. This will not be optimum but we can at least communicate before the next storm season. The second is to pursue our regional plan and install a dual mode 700/800 MHz fully P25 compliant system, comprised of all first responders in our four parish region, on one shared radio system, connected to the State of Louisiana 700 MHz system by the end of the year. To augment the COPS Grant, we have committed all available UASI funds and, as much as possible, we are taking advantage of FEMA funding; however, we still need approximately \$22 million for the purchase of subscriber radios for New Orleans and Jefferson Parish, in order to complete the project. Without the additional funding, we will not be able to complete the project and will continue to have interoperability problems. Thank you very much Madam Chairman and Committee members.

Testimony by William L. Smith
Before the Committee on Homeland Security and Governmental Affairs titled,
“Hurricane Katrina: Managing Law Enforcement
and Communications in a Catastrophe”
February 6, 2006

I. Introduction

My name is Bill Smith, and I am the Chief Technology Officer for BellSouth. I am here today to address the impact of hurricane Katrina on BellSouth’s network, the status of the network based on restoration completed to date, where we expect to go from here as we continue to restore communications to the hard hit Gulf Coast area, and what the federal government can do to assist in those efforts. Given the force of the hurricane, however, we are very pleased with the resiliency of our network, and with the significant progress that our employees, working with the larger communications industry, have made to restore service to date.

BellSouth’s efforts in regard to hurricanes can be placed into three general categories: preparation, monitoring, and restoration. As is standard operating procedure for us during hurricane season, on August 23, 2005, BellSouth’s network operations team began tracking Tropical Depression 12, then located over the southeastern Bahamas with thirty-five mile per hour winds and moving northwest at ten miles per hour. We continued monitoring the storm as the days progressed and began extensive preparations prior to Katrina making landfall in Florida. This is business as usual for us, but none could have imagined what was to follow. As Katrina worked its way across Florida toward the Gulf Coast, two integral pieces to this incredible story developed: the people, and the network. I plan to first walk you through the people side of this story, because

without our people, we would have no company and no network. It is our employees who make BellSouth what it is.

II. Katrina's Impact on People

BellSouth has about 13,000 employees in the states of Alabama, Mississippi, and Louisiana, approximately 6,500 of whom were in the hardest hit areas affected by the storm. I am delighted to report that all our employees are alive and safe. This is in no small part due to the preparations BellSouth instituted well in advance of Katrina making landfall. For example, BellSouth already had in place an 800-number for BellSouth employees to call to report their status in the event of an emergency and a separate telephone number employees could call to get emergency information. Immediately prior to Katrina making landfall, we also took steps to ensure adequate supplies and services were on hand, sending non-perishable food to strategic areas where employees could be stationed, setting up structural materials including tents, showers, toilets, tables and chairs, and engaging janitorial and guard services. Our experience with prior hurricanes taught us that our employees will be called upon to work round the clock, and they can best perform the extraordinary tasks expected of them if their basic needs for food, shelter, and the safety of their family are addressed.

As Katrina hit the Gulf Coast on August 29th, we assessed potential locations for what we call BellSouth tent cities – stations where employees, and their immediate families, in affected areas could seek shelter, receive food, ice, water, showers, laundry services, air mattresses, linens and clothing, medical care and financial loans. In addition, we had on hand access to our employee assistance program to provide counseling services as needed. The first tent city was set up in Gulfport, Mississippi on

August 30th, a second opened in Baton Rouge, Louisiana on September 1st, and a third on September 2nd in Covington, Louisiana. With the addition of tent cities in Hattiesburg and Jackson, Mississippi, and Marrero, Louisiana on September 10th, BellSouth was, at the height of its restoration efforts, operating six tent cities that provided assistance for our employees and their families, including medical care, and serving over eight thousand meals daily.

III. Impact on Network Operations

Given where our network is located, BellSouth has dealt with hurricanes for years, and is proud of the resiliency our network has consistently demonstrated. Based in large part on experiences gained from past hurricanes, as a part of our prior overall network planning and preparation in the low-lying areas of the New Orleans bowl, BellSouth had located most of its switches on the second floor (or above) in the buildings in that area. This planning helped to avoid any major damage to BellSouth's switches and reduced restoration time from months to weeks. In the coastal areas of Louisiana and Mississippi, BellSouth built certain flood-prone buildings on pilings in order to elevate those buildings approximately ten feet above ground level. Even these precautions, however, were not enough to withstand Katrina's sustained winds in excess of 145 miles per hour and storm surges of 25-40 feet.

Prior to Katrina making landfall in Florida, we activated our standard hurricane procedures. These include ensuring that our 1000+ mobile generators are in working order and staged at the sites needed, fuel tanks are filled for our central office and key administrative office generators and vehicles, network supplies are relocated (including

tents in the event tent cities need to be established for the safety and shelter of our employees), and support personnel are staged in nearby locations.

The tropical depression became Hurricane Katrina and first made landfall in South Florida as a Category 1 hurricane on Thursday evening, August 25th, causing considerable damage to the area. After passing over Florida and reaching the Gulf of Mexico, Katrina developed into a Category 5 hurricane and then dropped to a Category 4 just before making her second landfall in our operating area at about 2 p.m. on Monday, August 29th, east of New Orleans.

Operations in Florida, Alabama, Mississippi and Louisiana, were all impacted by Katrina. Nevertheless, we have made significant strides towards restoration of communications capabilities. As I will describe in more detail below, we have three different types of restoration efforts underway. In places like Gulfport and Biloxi, Mississippi and New Orleans, Louisiana, the impact on our customers, our employees and our network were catastrophic.

IV. Network Status

In the Gulf region of Mississippi, Alabama, and Louisiana, BellSouth has 4.9 million access lines. A snapshot on August 30th, after the second landfall, estimated that 2.475 million lines, a little more than half of those in the area, were actually affected by the storm.

BellSouth has 1,591 central office buildings across its region. 578 of those central office buildings are located in Alabama, Louisiana and Mississippi. Throughout the storm, 545 of the 578 central offices in Alabama, Louisiana and Mississippi never lost service. As the loss of commercial power was widespread, many of these offices were

running on batteries, supported by generators. Generators require fuel, and in the past, our network personnel have had access to the central offices where the generators are housed in order to ensure their proper fueling and operations. This was not true with Katrina.

Katrina was different from any hurricane BellSouth has faced previously. It had three distinct phases – the Florida hurricane, the Gulf Coast hurricane, and the New Orleans flooding. Severe damage was associated with the storm's landfall, but the flooding that followed when the levees broke created significant additional disruption. Generally, hurricanes have an initial surge, the water recedes, power restoration begins, and then we follow the power company with telecom restoration forces. When the levees broke in New Orleans, the water did not recede. Because of the continued flooding, and the unprecedented security issues, generator power was lost at several central offices due to our inability to refuel. The flooding also caused extensive damage to buildings and other structures in the flooded areas. BellSouth lost service at various times in a total of thirty-three of BellSouth's central offices in the impacted area. Initially, we concentrated on restoration of highest priority circuits, specifically those which support public safety including hospitals, E-911 centers and law enforcement. Then we focus on supporting other carriers, including the wireless industry. I have listed these sequentially, but they are often worked simultaneously. Following the storm, in Florida and Alabama, there were no E-911 centers that incurred outages. For Mississippi, service was impacted to forty-three out of 138 E-911 centers, and service to all forty-three centers was restored on site or by re-routing the calls to other centers. Many E-911 centers required the re-routing of traffic, and in most instances the re-routing was accomplished within hours

after contact with the E-911 center officials. All of these centers were back in service by September 4th.

In Louisiana, thirty-five of ninety-one E-911 centers were impacted, and service was restored to thirty of the thirty-five centers within a few days. Of the five E-911 centers that remained out of service, all are in the New Orleans area. Three of the centers are located in Plaquemine and St. Bernard parishes, low lying parishes along the Mississippi River. The remaining two are located in New Orleans. The last of these centers was restored to service on October 7th.

BellSouth has also been extremely focused on the wireless industry in its network restoration efforts. Prior to the storm's landfall, we invited several key carriers to collocate at our emergency command center, recognizing the critical role that wireless plays in today's communications and also knowing the key role we play in enabling wireless service. Together with members of the wireless industry, we developed a joint wireless restoration plan, focused on interoffice rings, prioritizing cell site restoration, and the placement of microwave facilities. These carriers provided input for restoration priorities together with our team. We also conducted two daily calls – one with wireless carriers and one with wireline carriers. These collaborative efforts were very important in the restoration effort. I am also proud of our efforts to re-route traffic from New Orleans to Texas, Florida, and/or to switches and locations requested by the carriers in order to create communications capacity and restore service for wireless and wireline customers. In this new and dynamic age of communications, alternative technologies, such as wireless and VoIP, utilize and interconnect with the traditional wireline network.

Thus, as BellSouth restores and re-builds our network, we are in fact enabling providers of such alternative technologies to re-institute their services as well.

BellSouth has continued to work collaboratively with the industry on the ongoing restoration efforts in the New Orleans and Gulf Coast areas. However, there have been challenges. As the New Orleans and Gulf Coast areas are restored, there has been a substantial amount of construction activity by utilities and their contractors, as well as other businesses and homeowners. This activity has caused damage to BellSouth's network that must also be repaired. Indeed, several major routes have already been cut multiple times. For example, on Monday, September 12th, a major fiber route from Hammond, Louisiana to Covington, Louisiana was cut by a tree trimming company. This had an impact on both wireline and wireless carriers. Even though we deployed damage prevention crews, it was not possible to prevent these types of occurrences given the level of construction activity in the area.

We encountered unique problems caused by flood waters that blocked access to switches and cellular sites in need of restoration. Escorted teams traveled by boat to several of the sites to survey accessibility and status to determine what equipment was needed to restore service. Microwave antennas were placed in New Orleans to enable communications from two of these sites. The first one, at Florida Boulevard, serves T-Mobile, AllTel, and Sprint/Nextel; the second, at Franklin Road near Lake Airport, serves Verizon, Sprint/Nextel and Cingular. A third microwave antenna was placed in Biloxi, Mississippi. Wireless broadband data service has also been deployed in New Orleans and Biloxi.

The significant progress towards restoration is due to the tireless and often heroic efforts of our employees who are working around the clock with a single minded mission of restoring communications to these hard hit areas, and to the efforts of our wireless and wireline industry colleagues who have partnered with us with an unwavering commitment to enable communications.

Our experience in the New Orleans Main Central Office at 840 Poydras Street gives a sense of the situation on the ground just after the storm hit. BellSouth employees began staffing an Emergency Operations Center (EOC) on the 12th Floor of the building on Sunday, August 28th. The office lost power and engaged generators when the storm hit on Monday, but occupants breathed a sigh of relief that there was no flooding. Then, the levee broke and conditions rapidly deteriorated on Tuesday. Technicians and engineers in the office were trying to re-establish service and maintain power by keeping the generators fueled and running. As the situation in New Orleans deteriorated with violence and looting, the New Orleans police and the Louisiana State Police told us to evacuate the building. There was gunfire in the area and we were told it was unsafe for our employees to remain. At 3:00 p.m. CST, the Louisiana State Police arrived and provided us with an armed escort so we could leave the building. We moved to Baton Rouge and, concerned for the security of the building, we arranged for FBI agents to take occupancy of the building at approximately 9:00 that evening. By Friday morning, the Louisiana State Police and the FBI occupied the building. At that time, we began armed and escorted caravans to the building to bring fuel for the generator, water for the chillers, BellSouth personnel, as well as personnel from other carriers (at BellSouth's open invitation). In spite of these harrowing facts, this key switch, which serves as a

regional hub for multiple carriers, remained in operation. And, of course, some of the Poydras Street personnel, as well as personnel assisting in restoration efforts across the impacted area, are putting forth Herculean efforts in trying circumstances. Many of them have lost everything, yet they continued to demonstrate commitment and resolve to rebuild the communications network expected by their fellow citizens.

V. Government Cooperation and Needs

The cooperation and assistance from local, state and federal agencies overall has been good. The FCC, along with its Staff members, was extraordinarily helpful. The FCC reached out to offer assistance in many areas: waiving rules that will help customers who are without service; taking actions that have and will allow for the quick restoration of network facilities (including the emergency routing of traffic over whatever facilities are available for use); and helping with the publication of “find me” numbers to help locate BellSouth employees. Because of this, BellSouth was able to make its interLATA corporate communications network available to companies like Sprint and Telapex, a Mississippi wireless carrier, for use in emergency routing of their traffic impacted by Katrina. BellSouth was also in constant communication with other federal agencies and received strong support from the White House Executive Office of the President.

As we began to restore service to the area, several things were critical. First, we needed safe access to our network facilities. When the flood waters receded, we needed adequate security measures to ensure the safety of our technicians trying to assess and conduct repairs.

Second, we needed and continue to need, flexibility and patience. It will take many months for BellSouth to permanently repair all of the damage caused by Katrina and restore service to residents in all areas. We have worked around the clock to restore service to our customers as they re-build and become ready to be served. BellSouth has experienced twenty-two hurricanes since 1992, storms such as Andrew, Hugo and now Katrina. Congress and the private sector alike should be cautious about building unrealistic expectations about how long it takes to fully recover from a storm packing the furor of a Katrina. Also a key difference in this storm is the amount of social dislocation experienced by the fact that nearly one million people have been moved because of the storm. Many of the population patterns may never return as they were. Residents of many of the hardest hit areas are reluctant to begin rebuilding their homes until the future of their neighborhoods and the city in general is more clear. At the same time, other cities like Baton Rouge, Memphis, and LaFayette have experienced significant population growth with the attendant stress on all infrastructures, including the communications. Building capacity takes time.

Third, the government needs to recognize that the cost to BellSouth to restore the communications infrastructure will be significant. BellSouth has estimated that the cost to restore our network as a result of hurricane Katrina will be between \$700 and \$900 million. By comparison, the cost to BellSouth of the damage caused by the four hurricanes that hit Florida in the 2004 hurricane season was approximately \$200 million. Legislative incentives, such as tax credits, would be tremendously helpful as companies re-build areas devastated by Katrina.

Restoration of our near-ubiquitous infrastructure will demand that we deploy capital, not as a cost-plus utility, but as a company re-building its network in a very competitive industry. We will be expected to rebuild without knowing what our ultimate demand will be. And, we will rebuild this network in an environment where many companies depend on our network for providing service to their customers, but where policy doesn't equally distribute the burden of restoration among all players. The FCC has been very helpful in waiving rules that hamper restoration. We will, however, need continued focus from the policy community on rules and regulations that hamper access to capital. Timely restoration requires that we spend this money now, well in advance of knowing what people and businesses will actually return to affected areas, and when, and that we add capacity in areas like Baton Rouge, or even state parks where tent cities have emerged, without having any expectation of long term continued service revenues out of that installed capacity.

VI. Path Forward and Lessons Learned

So what are the lessons learned thus far? We are still in the midst of restoration in some areas, so it is difficult to create an exhaustive list of lessons learned as a result of the unique circumstance that has been presented by Hurricane Katrina and the consequent flooding in New Orleans, but the following are some of our more significant experiences to date.

First, both network providers, as well as customer/consumers, have become more and more dependent on commercial power. As networks deploy more advanced technology in the more remote parts of the network (remote terminals, DLC systems), these systems require power to operate, and thus introduce more potential points of

failure in the event of an extended power outage. Consumers are using more cordless phones, which also require commercial power to operate. And the vast proliferation of cellular phones, which could potentially use automobile batteries for recharging, also becomes an issue when your automobile is six feet under water. As a result, many “communications” failures flow from the loss of power to customer premises equipment (CPE) and other power driven applications, not from a fundamental loss of connectivity in the telecommunications network.

Second, the communications industry and government bodies need to work more closely together to establish, well in advance, multiple alternate retreat points and paths for the routing of E-911 traffic in the case of a catastrophe. BellSouth has a proud history of service to E-911 centers and will continue its commitment to find new and better ways to ensure that emergency traffic can be successfully routed and handled during emergencies. We believe that Katrina has reinforced the need for ubiquitous E-911 by all communications providers.

Third, emergency personnel need radio equipment that can access a common frequency. Many of the first responder issues in Katrina arise from the use of dedicated radio emergency communications equipment. As we saw in 9/11, oftentimes different departments (*i.e.*, police and fire), or different jurisdictions (*i.e.*, state and city or Louisiana and Arkansas), have equipment based on different frequencies and thus can not communicate with each other. This needs to be resolved, probably by the promulgation of national standards.

Fourth, carriers should be mindful of, and plan for, flooding when locating their switch equipment in flood prone areas, locating them, where practical, above flood lines.

As I previously mentioned, BellSouth has taken this step in the vast bulk of its offices, locating both switches and generators on upper floors of buildings. In addition, the location and availability of fuel needs to be addressed in a way that ensures that fuel can be available for emergency generators no matter the circumstance. This likely will have some environmental questions attendant to it that will require flexibility and engagement to resolve.

Fifth, critical telecommunications infrastructure owners and operators should be designated as first responders in the event of a major disaster and should be included in preparations or responses to such events. Unfortunately, that is not the case today, which has impeded response capabilities and undermined restoration efforts. The importance of restoring telecommunications networks during a disaster cannot be underestimated.

Sixth, the supply chain for our industry was severely tested by Hurricane Katrina. “Just in time” inventory practices that are common today do not accommodate extreme demands, making it difficult to get the quantity of material needed for restoration in a timely fashion. This issue applies to a wide range of material, from utility poles to fiber optic systems.

Seventh, BellSouth established a Hazardous Material (HazMat) team in 2004. This team was very effective in responding to contamination situations associated with Hurricane Katrina.

Eighth, the FCC’s Network Reliability and Interoperability Council (NRIC) has developed an extensive set of “Best Practices” for our industry. Hurricane Katrina presented us with unique challenges, and we would recommend that the next NRIC

include an agenda to review those best practices and make any modifications associated with lessons learned from this new experience.

Finally, industry cooperation throughout the recovery from Katrina has been extraordinary. This should be used as a template to build industry-wide emergency response and restoration plans for future catastrophes of this kind.

Committee on Homeland Security and
Governmental Affairs
EXHIBIT #6

From: Clark, John P [John.Clark@dhs.gov]
Sent: Sunday, September 04, 2005 4:32 PM
To: Broderick, Matthew (CNC)
Subject: RE: FBI to take over?

Matt,

Appreciate your continuing to follow through on this. Just to let you know, we're fully moving ahead and prepared to take orders from the FBI or simply work cooperatively with them. There have been no signs on the ground that there is any turf war brewing and I intend to ignite none up here. I do think, for logistic common sense, people working these complex issues need to know from whom they should be taking orders. Already have received some blow back on my first email on this, which circulated further than I anticipated, so I'll keep a low profile and stick to the business of steering our people down there. On a positive note, things are beginning to gel and the little signs of improvement are helping keep spirits up.

Regards, JPC

-----Original Message-----

From: Broderick, Matthew [mailto:Matthew.Broderick@dhs.gov]
Sent: Sunday, September 04, 2005 4:23 PM
To: Weber, Scott (DHS HQ); Stephan, Bob (DHS HQ); John Clark; Mandelker, Sigal (DHS HQ); Broderick, Matthew (DHS HQ); Stephan, Bob (DHS HQ); Mapel, Monica (DHS HQ)
Subject: RE: FBI to take over?

The dispute is whether FBI or ICE is the lead. I believe we have designated the ICE SAC as the lead. DHS and DOJ co-share this ESF and usually (terrorist related) FBI is lead. This is a good chance for us to be.

-----Original Message-----

From: Weber, Scott [mailto:Scott.L.Weber@dhs.gov]
Sent: Sunday, September 04, 2005 3:50 PM
To: Stephan, Bob; John Clark; Mandelker, Sigal (DHS HQ); Broderick, Matthew (CNC); Stephan, Bob (DHS HQ); Mapel, Monica
Subject: RE: FBI to take over?

I spoke with John Wood and Sigal on this and Sigal should have already gotten back to all of you on this (sorry for my delayed response). We have set up a PFO support cell in Baton Rouge and Joe Picciano is the Deputy PFO. Joe is focusing on logistics/ops and he will work with DOD/MTL. Guard to ensure that we deploy assets efficiently and in a coordinated fashion.

-----Original Message-----

From: Stephan, Bob
Sent: Sunday, September 04, 2005 1:28 PM
To: John Clark; Mandelker, Sigal (DHS HQ); Broderick, Matthew (CNC); Stephan, Bob (DHS HQ); Weber, Scott; Mapel, Monica
Subject: RE: FBI to take over?

John--Move out aggressively on this. You need to take the operation you have put together down there and open it up to other resources within the Federal family. This includes FBI, DOI, and others. This is the opportunity to create a truly unified Federal command. This Federal piece needs to be fully coordinated with whatever state and local structure is set up. You guys need to get to Sec Chertoff while he is down there so that he can preside over this consolidation and give you the top cover you need. Scott Weber, can you facilitate this???

-----Original Message-----

From: Clark, John P [mailto:John.Clark@dhs.gov]
 Sent: Sunday, September 04, 2005 10:54 AM
 To: Mandelker, Sigal (DHS HQ); Broderick, Matthew (CNC); Stephan, Bob (DHS HQ)
 Subject: FW: FBI to take over?

Below are communications between ICE and DHS PAOs discussing the rumors that the FBI has now been designated to lead the law enforcement effort in New Orleans. I think DHS has one opportunity to turn this fiasco around. We can go into the area, high visibility/full force, and lead a comprehensive security effort. We have several hundred DHS LEOs already there and can mobilize several thousand more if our Dept. can make a decision to seriously commit to this effort. We have a high visibility command center established on Canal St. while everyone else is staging two hours away in Baton Rouge. Having failed in many aspects on preparation, emergency assistance and recovery, if we now turn our homeland security responsibility over to the FBI/DOJ, we might as well all await 3SR.

-----Original Message-----

From: Zuieback, Jamie
 Sent: Sunday, September 04, 2005 10:43 AM
 To: Clark, John P; Lang, Gary J
 Subject: Fw: FBI to take over?

Dhs opa take on the rumor.

 Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Knocke, William R <William.R.Knocke@dhs.gov>
 To: Raimondi, Marc <Marc.Raimondi@dhs.gov>; Knocke, William R (DHS HQ) <William.R.Knocke@dhs.gov>; Zuieback, Jamie <Jamie.Zuieback@dhs.gov>; Gonzalez, Joanna (DHS HQ) <Joanna.Gonzalez@dhs.gov>
 CC: marc.raimondi@dhs.gov <marc.raimondi@dhs.gov>
 Sent: Sun Sep 04 10:39:30 2005
 Subject: Re: FBI to take over?

Not true. They are sending a substantial force to secure their assests and interests. They do not have the authority/ were not deputized for local law enforcement.

 Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Raimondi, Marc <Marc.Raimondi@dhs.gov>
 To: Knocke, William R (DHS HQ) <William.R.Knocke@dhs.gov>; Zuieback, Jamie <Jamie.Zuieback@dhs.gov>; Gonzalez, Joanna (DHS HQ) <Joanna.Gonzalez@dhs.gov>
 CC: marc.raimondi@dhs.gov <marc.raimondi@dhs.gov>
 Sent: Sun Sep 04 10:33:13 2005
 Subject: Re: FBI to take over?

Russ, looks like its true. They showed up here last night with a command center on wheels, a bunch of black suburbans, and held a press conference, just got off the phone with clark and lange and they are hearing same thing inside the beltway. They are trying to confirmed.

Marc Raimondi
 Department of Homeland Security
 U.S. Immigration and Customs Enforcement
 marc.raimondi@dhs.gov
 Mobile: 202-361-7004 DC# 164*990*376

-----Original Message-----

From: Knocke, William R <William.R.Knocke@dhs.gov>
 To: Zuieback, Jamie <Jamie.Zuieback@dhs.gov>; Gonzalez, Joanna (DHS HQ) <Joanna.Gonzalez@dhs.gov>
 CC: Raimondi, Marc <Marc.Raimondi@dhs.gov>
 Sent: Sun Sep 04 10:31:17 2005
 Subject: Re: FBI to take over?

Nope. We have the ball and there is a lot of legal framework to ensure that

 Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Zuieback, Jamie <Jamie.Zuieback@dhs.gov>
 To: Knocke, William R (DHS HQ) <William.R.Knocke@dhs.gov>; Gonzalez, Joanna (DHS HQ) <Joanna.Gonzalez@dhs.gov>
 CC: Marc Raimondi (E-mail) <Marc.Raimondi@dhs.gov>
 Sent: Sun Sep 04 10:27:59 2005
 Subject: FBI to take over?

Rumors floating in NOL that FBI plans to announce today that it is in charge of law enforcement response down there. Can't assess the veracity, but wanted you to be aware of it.

Jamie E. Zuieback
 U.S. Immigration and Customs Enforcement
 202-353-8436

*** For the latest news and information, check out www.ice.gov ***



From: Forman, Marcy [mforman@fins3.dhs.gov]
Sent: Sunday, September 04, 2005 8:26 PM
To: Vanacore, Michael
Subject: Re: Federal Law Enforcement Command at JFO

Mike I can't get through. Can you call my cell again. Thanks.

 Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Vanacore, Michael <MVANACOR@fins2.dhs.gov>
To: 'john.patrik.clark@customs.treas.gov' <john.patrik.clark@customs.treas.gov>; Forman, Marcy <MFORMAN@fins2.dhs.gov>; Lang, Gary J <gjang@fins3.dhs.gov>

Sent: Sun Sep 04 19:38:51 2005
Subject: Fw: Federal Law Enforcement Command at JFO

Disregard the source of this email, Sam did the right thing and sent this to me.

If we don't act this is where we are going. DOJ is looking to run this whole effort. If we don't get a push from above, we are not going to be at the table.

Michael J. Vanacore
 Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Neglia, Samuel (DHS HQ) <Samuel.Neglia@DHS.GOV>
To: Vanacore, Michael <MVANACOR@fins2.dhs.gov>
Sent: Sun Sep 04 18:55:27 2005
Subject: Fw: Federal Law Enforcement Command at JFO

 Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Wulf, David M. <David.Wulf@atf.gov>
To: Neglia, Samuel (CNC) <Samuel.Neglia@DHS.GOV>; Shea, Robert F <Robert.Shea@dhs.gov>
CC: Simpson, Kristina <Kristina.Simpson@DHS.GOV>; Carroll, Carson W. <Carson.Carroll@atf.gov>
Sent: Sun Sep 04 18:15:16 2005
Subject: FW: Federal Law Enforcement Command at JFO

Sam, Bob---is this something you guys could push from the DHS side?

-----Original Message-----

From: Wulf, David M.
Sent: Sunday, September 04, 2005 6:13 PM
To: McAtamney, James A
Cc: Carroll, Carson W.

From: Reid, William [/O=DHS ORG/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=WILLIAM.F.REID1.DHS.GOV]
Sent: Tuesday, September 06, 2005 8:09 PM
To: Vanacore, Michael
Subject: Re: ICE NAME SUBSTITUTION Deputy Principal Federal Official and Satellite Joint Field Office New Orleans

I assume that Malandra and the motorhome are nearby if needed?

Perhaps the mission becomes clearer with the arrival of 38k National Guard.

When you need more staff, we'll get them there. Of course that's conditioned upon beds. You probably aware 3 Intel folks are ready.

 Sent from my BlackBerry Handheld.

----- Original Message -----

From: "Vanacore, Michael" [Michael.Vanacore@dhs.gov]
Sent: 09/06/2005 08:01 PM
To: "william.f.reid1@dhs.gov" <william.f.reid1@dhs.gov>
Subject: Re: ICE NAME SUBSTITUTION Deputy Principal Federal Official and Satellite Joint Field Office New Orleans

I would staff it and evaluate, I don't think it will have much value.

I'm fine, still waiting for the signed memo, but, more importantly, some clarity on the mission from the department. We look like amateurs.

I have a room tonight and tomorrow but then become homeless again.
 Michael J. Vanacore
 Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Reid, William <william.f.reid1@dhs.gov>
To: Vanacore, Michael <MVANACOR@fins2.dhs.gov>
Sent: Tue Sep 06 19:56:35 2005
Subject: Re: ICE NAME SUBSTITUTION Deputy Principal Federal Official and Satellite Joint Field Office New Orleans

As you see it, are we still obligated to send a "liaison?"

Are you doing ok tonight? Any word on a place for you to stay tomorrow night?

Bill

 Sent from my BlackBerry Handheld.

Toll routing problems

Committee on Homeland Security and
Governmental Affairs
EXHIBIT #20

[REDACTED]

From: Cifreo, Preston [REDACTED]
Sent: Thursday, September 01, 2005 3:37 PM
To: lapsc@ohsepla.gov; La Public Service Commission
Subject: Toll routing problems

Please send us a list of all telephone numbers for the state government, federal government, local government, law enforcement, state police, federal troops, etc that need priority status regarding access to the long distance network.

We will then reroute these numbers so that preferential access to the long distance network is given.

"The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers." 118

2/2/2006

From: Kim Hunter Reed
Sent: Tuesday, August 30, 2005 1:57 PM
To: Jeanne Wright; Terry Ryder; Bob Mann
Subject: RE: MCI needs letter from Gov to get into New Orleans area for communications

Terry
 Can you get state police to help with that? Kim

-----Original Message-----
From: Jeanne Wright
Sent: Tuesday, August 30, 2005 12:56 PM
To: Terry Ryder; Bob Mann
Cc: Kim Hunter Reed
Subject: RE: MCI needs letter from Gov to get into New Orleans area for communications
Importance: High

What about medical companies wanting to get their crew and supplies to Slidell Memorial?
 What do they do to get SP authority??

-----Original Message-----
From: Terry Ryder
Sent: Tuesday, August 30, 2005 12:43 PM
To: Bob Mann
Cc: Kim Hunter Reed; Jeanne Wright
Subject: Re: MCI needs letter from Gov to get into New Orleans area for communications

LSP Col. Booth Calling now
 Terry Ryder

-----Original Message-----
From: Bob Mann <mannb@GOV.STATE.LA.US>
To: Terry Ryder <rydert@GOV.STATE.LA.US>
Sent: Tue Aug 30 12:23:55 2005
Subject: FW: MCI needs letter from Gov to get into New Orleans area for communications

Bob Mann
 Communications Director
 Governor Kathleen Blanco

 Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Kim Hunter Reed <reedkh@GOV.STATE.LA.US>
To: Bob Mann <mannb@GOV.STATE.LA.US>; Denise Bottcher <bottcherd@GOV.STATE.LA.US>;
 Roderick Hawkins <Hawkinsr@GOV.STATE.LA.US>
Sent: Tue Aug 30 12:18:15 2005
Subject: FW: MCI needs letter from Gov to get into New Orleans area for communications

Can you ask State police what this is about? Kim

-----Original Message-----
From: Jeanne Wright
Sent: Tuesday, August 30, 2005 12:05 PM
To: Kim Hunter Reed; Andy Kopplin; Terry Ryder

Subject: FW: MCI needs letter from Gov to get into New Orleans area for communications
Importance: High
{
Please advise.

-----Original Message-----

From: Jeanne Wright
Sent: Tuesday, August 30, 2005 11:30 AM
To: Terry Ryder
Subject: MCI needs letter from Gov to get into New Orleans area for communications
Importance: High

Jimmy Johnson called and said State Police told them that they would need a ltr from the Gov to get access. They say it is giving the whole Gulf South network problems. Number is [REDACTED] and cell is [REDACTED] which is better to reach him.

From: [REDACTED]
Sent: Friday, September 02, 2005 7:20 PM
To: La Public Service Commission
Subject: [Fwd: Access to Jefferson, Orleans and St. Bernard Parishes]
Attachments: HURRICANE_Katrina 4 INFORMATION_070712.xls; forward



HURRICANE_Kat forward (228 B)
 a 4 INFORMATIC

Arnold (or whoever is working the PSC desk):

As you may have heard, Verizon Wireless has been contacted by FEMA and the FCC with a request to restore cell service in Orleans, Jefferson and upper St. Bernard Parishes.

They would like to send up to 15 or 20 crews into the N.O. metro area to evaluate and get as many sites up and running as possible to support the recovery efforts. This will be a full days work, and they would like to start at first light tomorrow.

In addition to needing the necessary passes they are also, understandably, very concerned about security and are requesting National Guard support for each crew.

A listing of the sites they want to get to is attached.

Is this something you can help with? If not, can you please give me a lead on whom I need to contact?

Please call me at the numbers listed below.

Brian Eddington
 [REDACTED]

>
 > From: Michael.Vitenas@VerizonWireless.com
 > Date: 2005/09/02 Fri PM 06:51:18 EDT
 > To: [REDACTED]@net
 > CC: [REDACTED]@comcast.net
 > Subject: Access to Jefferson, Orleans and St. Bernard Parishes
 >
 > Brian,
 >
 > We can have 15 - 20 crews available, at first light, to join up with
 > national guard troops. Our goal is to evaluate and get as many sites
 > up and running as possible to support the recovery efforts. I am
 > attaching a spread sheet which provides the locations of our cell sites in Louisiana.
 >
 > <<HURRICANE_Katrina 4 INFORMATION_070712.xls>>
 >
 > Michael A. Vitenas
 > Cell Implementation Manager
 > Gulf Coast Region
 > [REDACTED]
 > Verizonwireless
 > "We Never Stop Working For You"
 >

> The information contained in this message and any attachment may be
 > proprietary, confidential, and privileged or subject to the work
 > product doctrine and thus protected from disclosure. If the reader of
 > this message is not the intended recipient, or an employee or agent
 > responsible for delivering this message to the intended recipient, you
 > are hereby notified that any review, copying or distribution of the
 > contents of this message is strictly prohibited.

From: Michael.Vitenas@
Sent: Friday, September 02, 2005 5:10 PM
To: La Public Service Commission
Subject: RE: Request for armed guard support
Importance: High

What's the word on this request????

Michael A. Vitenas
 Cell Implementation Manager
 Gulf Coast Region

verizonwireless
 "We Never Stop Working For You"

-----Original Message-----
From: La Public Service Commission [mailto:LaPsc@OHSEP.Louisiana.gov]
Sent: Friday, September 02, 2005 3:16 PM
To: Vitenas, Michael
Subject: RE: Request for armed guard support

We are walking it over.

Louisiana Public Service Commission
 Office of Homeland Security and Emergency Preparedness

-----Original Message-----
From: Michael.Vitenas@VerizonWireless.com
Sent: Friday, September 02, 2005 3:10 PM
To: La Public Service Commission
Subject: Request for armed guard support
Importance: High

I am with the Verizon Wireless Emergency Operations Center. We need to get our cell technicians into the accessible areas of Jefferson and Orleans Parishes in order to establish telecommunications for Law Enforcement and FEMA officials. I am requesting 7 to 10 armed individuals to escort our technicians. Please contact me ASAP through email or at (504) 232-6277 or (281) 615 2345.

Thanks

Michael A. Vitenas
 Cell Implementation Manager
 Gulf Coast Region

verizonwireless
 "We Never Stop Working For You"

The information contained in this message and any attachment may be proprietary, confidential, and privileged or subject to the work product doctrine and thus protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by replying to this

[REDACTED]

From: Arnold Chauviere [Arnold Chauviere]
Sent: Friday, September 02, 2005 3:45 PM
To: La Public Service Commission
Subject: FW: Verizon Assistance Requested

UPDATE:
Michale Vitenas call back to update us on status of security.
Verizon has hired their own security for Madisonville location - BUT WOULD STILL LIKE TO HAVE SECURITY RIDE WITH THEIR CELLULAR TECHS. WHEN THEY GO ON SITE.
Requested 10 armed personnel to ride with techs.
Call him back and let him know if this can be arranged.

> -----Original Message-----
> From: Arnold Chauviere
> Sent: Friday, September 02, 2005 2:15 PM
> To: 'lapsc@hsep.louisiana.gov'
> Subject: Verizon Assistance Requested
>
>
> Tubby,
>
> SECURITY ISSUE
>
> Michael Vitenas w/Verizon
> Verizon has a refueling and staging site in Madisonville, Louisiana
>
> Location 261 Hwy 1085
> Madisonville, LA
> [REDACTED]
>
> Verizon stated they need to secure the warehouse and refueling point.
> Would also like to have security ride with the fuel trucks if possible.
> Gun pulled on a fuel truck driver.
>
> Can you help!
>

[REDACTED] (HSGAC)

From: Kim Hunter Reed
Sent: Wednesday, August 31, 2005 12:42 AM
To: Bob Mann; Johnny Anderson
Subject: Re: Emergency

Thanks. Kim

 Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: Bob Mann <[REDACTED]>
To: Kim Hunter Reed <[REDACTED]>; Johnny Anderson <[REDACTED]>
Sent: Tue Aug 30 23:40:08 2005
Subject: Re: Emergency

Spoke to Gen Land. Natl Guard has no personnel available for this. I tried several times to call Nagin's people to get NOPD, but no luck. Also sent to LSP.

Bob Mann
 Communications Director
 Governor Kathleen Blanco
 [REDACTED]

 Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Kim Hunter Reed <[REDACTED]>
To: Bob Mann <[REDACTED]>; Johnny Anderson <[REDACTED]>
Sent: Tue Aug 30 23:33:30 2005
Subject: Fw: Emergency

What's the status on hospital? Kim

 Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: Fredell Butler <[REDACTED]>
To: Kim Hunter Reed <[REDACTED]>
Sent: Tue Aug 30 23:31:48 2005
Subject: Re: Emergency

There is a person on Ch 9 right now talking about the problems at the hospitals and how a Doctor had a heart attack earlier today and no one can get help.

 Fredell O. Butler
 Governor's Office/ 1st Gentleman's Initiative

-----Original Message-----

From: Kim Hunter Reed <[REDACTED]>
To: Fredell Butler <[REDACTED]>
Sent: Tue Aug 30 23:29:23 2005
Subject: Re: Emergency

Send this info to Miles and ask if he is getting any gov's office calls. If you need me to call as a test and you just let it ring we can see if it gets to Miles. Kim

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: Fredell Butler
To: Kim Hunter Reed
Sent: Tue Aug 30 23:26:45 2005
Subject: Re: Emergency

I don't think they're all forwarded. If so, who can confirm? I just don't want someone desperately trying to survive getting a voicemail. I just got another call from Kelly White in Brooklyn. Her Aunt and Uncle (Peter and Georgianna Donate) are at 1301 Simon Blvd on the 7th floor. Water is already up to the 3rd floor. Just got another call for Tim and Judy Scheer at the Hotel Monteleon in room 669. They can be contacted at [REDACTED]. Their friend Joe Simon called and he can be contacted at [REDACTED].

Fredell O. Butler
Governor's Office/ 1st Gentleman's Initiative

-----Original Message-----

From: Kim Hunter Reed
To: Fredell Butler
Sent: Tue Aug 30 23:10:39 2005
Subject: Re: Emergency

How long are you staying? I thought only Miles was handling calls overnight and I thought the phones were forwarded to him at OEP. Kim

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: Fredell Butler
To: Kim Hunter Reed
Sent: Tue Aug 30 23:06:52 2005
Subject: Re: Emergency

People are still calling up here. Many of them don't know where else to call.

Fredell O. Butler
Governor's Office/ 1st Gentleman's Initiative

-----Original Message-----

From: Kim Hunter Reed
To: Fredell Butler
Sent: Tue Aug 30 23:04:18 2005
Subject: Re: Emergency

What? Are you staying on 6 and miles is at oep? Kim

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: Fredell Butler
To: Kim Hunter Reed
Sent: Tue Aug 30 23:03:03 2005
Subject: Re: Emergency

They are calling the 6th floor.

Fredell O. Butler
Governor's Office/ 1st Gentleman's Initiative

-----Original Message-----

From: Kim Hunter Reed [REDACTED]
To: Fredell Butler [REDACTED]
Sent: Tue Aug 30 23:02:22 2005
Subject: Re: Emergency

Fredell
Are you at work? Where are you getting calls? Kim

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: Fredell Butler <[REDACTED]>
To: Miles Bruder [REDACTED]; Kim Hunter Reed [REDACTED]
Sent: Tue Aug 30 22:58:50 2005
Subject: Emergency

Received call about group of workers on top of the roof at 2900 Peoples St. One person is
Melvin Polite and his daughter (Cynthia Polite) called. Her # is [REDACTED]. Also
received several calls about water rising and security needs at Children's Hospital and
Charity. The # to the caller is [REDACTED]. He didn't want to leave a name but he is a
Physician. Just received another call about a missing person by the name of Bahaadar
Mujaahid. His daughter is Jamillah Sims who can be contacted at [REDACTED] or
[REDACTED]

Fredell O. Butler
Governor's Office/ 1st Gentleman's Initiative

Message

1 of 2

[REDACTED]

From: Kay Jackson [REDACTED]
Sent: Saturday, September 03, 2005 6:08 PM
To: La Public Service Commission
Cc: Greg Bickel [REDACTED]; Michael Lating [REDACTED]; Steve Sawyer [REDACTED];
 Elvin Thibodeaux [REDACTED]
Subject: RE: Assistance needed --- FEMA confiscating Cox's fuel!
Importance: High

Because Cox's network is different from BellSouth's, we have many hubs and nodes that we will be working tomorrow and for the next few weeks in St. Charles Parish and Jefferson Parish. It would be almost impossible to give you the street address for each location---we are not set up with central offices. Additionally, our techs will be assessing the condition of our fiber and trying to secure fallen fiber to prevent further damage. Our switch is located at 338 Edwards Avenue in Harahan. We are running that switch off of a number of generators. Fuel is getting low at the switch location to power those generators. Cox had arranged for a tanker truck to deliver fuel from Florida to LA. That tanker truck was intercepted by FEMA and turned away from the switch location. Cox would have plenty of fuel to serve all of its needs if FEMA will back away.

Our Safety/Risk Manager, Elvin Thibodeaux, is working with State OEP and FEMA to free up the fuel. Our corporate office has also been in touch with FEMA in Washington. Mr. Thibodeaux believes that Cox has solved the problem. If that is not the case, I will let you know.

Thanks for being ready to help!

Kay Jackson
 Director Regulatory Affairs
 (voice) [REDACTED]
 (fax) [REDACTED]
 (mobile) [REDACTED]

From: La Public Service Commission [mailto:[REDACTED]]
Sent: Saturday, September 03, 2005 2:55 PM
To: Jackson, Kay (CCI-Baton Rouge)
Subject: RE: Assistance needed --- FEMA confiscating Cox's fuel!

Tubby asked that you please email me the locations where your crews are working so that we can line them up with the state fuel dumps. He will be trying to call you.

Thanks,

Abbey Hastings
 LPSC

Louisiana Public Service Commission
 Office of Homeland Security and Emergency Preparedness

-----Original Message-----

From: Kay Jackson@[REDACTED]
Sent: Saturday, September 03, 2005 2:42 PM

2/2/2006

Message

Page 2 of 2

To: La Public Service Commission
Cc: Greg Bickett [REDACTED]
Subject: Assistance needed --- FEMA confiscating Cox's fuel!
Importance: High

Tubby/Eve:

Our efforts to get our telecommunications network back up and running is being severely hampered by FEMA. They are denying our field personnel fuel and taking any surplus we have, including gasoline in technicians' trucks in the field. We simply cannot restore telephone service under these circumstances. Please help us secure the appropriate documents to inform the New Orleans FEMA workers that Cox is more than a cable company---we hold utility status for Cox Louisiana Telecom, L. L. C. We have over 85,000 telephone customers that depend upon the same network for commercial and lifeline telephone services. Many of the wireless carriers that are seeking connectivity are served by Cox. We just can't respond unless we have the availability of fuel.

Please give me a call at [REDACTED] I am standing by.

Thanks,

Kay Jackson

Director Regulatory Affairs

[REDACTED]
[REDACTED]
[REDACTED]

2/2/2006

Committee on Governmental Affairs

EXHIBIT P



U.S. Department of Justice
Office of the Deputy Attorney General

Washington, D.C. 20530

September 12, 2005

Bill Mercer,

State/local agencies, associations, e.g., IACP, the Homeland Security Advisory Committee, comprising leaders from state and local government, first responder communities, the private sector, and academia, and others reviewed and assisted in drafting the plan. While you won't see a state governor's signature on the "letter of agreement" in the plan itself, it's safe to say there's been widespread adoption of it. Indeed, they've been told that adoption of the NRP will be and the National Incident Management System will be a condition for receipt of federal first response grants.

Mar

DAG 000000100

KADUNA
BINDER

ROUTING AND TRANSMITTAL SLIP		DATE
(Name, office symbol, room number, Agency/Post)		September 1, 2005
1. Ted Ulyot, OAG	Initials	Date CC: Dawn
2. Bill Mercer, ODAG		
3.		
4.		
5.		
<p>REMARKS:</p> <p>SUBJECT: National Response Plan (NRP), Emergency Support Function (ESF) 13, "Public Safety and Security"</p> <ul style="list-style-type: none"> Under the NRP, DHS utilizes a series of ESFs to help coordinate the provision of federal assistance in the case of an Incident of National Significance. ESF-13, coordinated by DHS and DoJ, is a construct that is new to federal response planning and is part of the NRP. Each of the DoJ law enforcement components is represented in the Homeland Security Operations Center, and the FBI has a representative assigned to the Interagency Incident Management Group (IIMG). I have arranged for the IIMG representative to field any requests for federal law enforcement support that may come into the DHS operations center. In addition, the FBI is part of the Joint Operations Center in Baton Rouge as part of the staff of the Principal Federal Official who coordinates activities on the ground and, as necessary, forwards requests to support to regional or national offices for approval and execution. Under the ESF-13 construct, the responsibility for security and public safety activities is tiered. As indicated in the highlighted text, local officials are principally responsible for these operations, and "additional resources should first be obtained through the activation of mutual aid agreements with neighboring localities and/or State authorities, with incident operations managed through a Unified Command structure. In this context, a State's resources would include members of the State National Guard that the Governor calls into State service in a law enforcement, security, and/or public safety capacity." <ul style="list-style-type: none"> Thus, for example, National Guard units from states outside the immediate region have deployed under the plan to assist in the security and safety mission. In addition, FEMA requested the USMS to provide site security for a telecommunications facility in New Orleans that is a part of the critical telecommunications infrastructure. There have been no additional requests for federal law enforcement assistance from state or local officials, to my knowledge. I would be happy to answer any questions you may have about the NRP and the process thereunder for responding to "Incidents of National Significance". Suffice to say, <u>DHS is in the lead</u> and the NRP established coordinating mechanisms and procedures to facilitate the response. <p><small>DO NOT use this form as a RECORD of transmittal, correspondence, approvals, disapprovals, and other action.</small></p>		
<p>FROM: (Name, title, symbol, Agency/Post)</p> <p><i>Mac</i></p> <p>AMES A. McATAMNEY Senior Counsel for National Security Affairs</p>		<p>Room No. - Bldg.</p> <p>4311 - MAIN</p> <p>Phone No.</p> <p>514-6907</p>

MAC:
HAVE
THES
STAYED
IN TO
THE NRP
AND LCL
ESTS?

DAG 000000101

Emergency Support Function #13 – Public Safety and Security Annex

ESF Coordinators:

Department of Homeland Security
Department of Justice

Primary Agencies:

Department of Homeland Security
Department of Justice

Support Agencies:

Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Homeland Security
Department of the Interior
Department of Justice
Department of Veterans Affairs
Environmental Protection Agency
National Aeronautics and Space Administration
Social Security Administration
U.S. Postal Service

Introduction**Purpose**

Emergency Support Function (ESF) #13 – Public Safety and Security integrates Federal public safety and security capabilities and resources to support the full range of incident management activities associated with potential or actual Incidents of National Significance.

Scope

ESF #13 provides a mechanism for coordinating and providing Federal-to-Federal support or Federal support to State and local authorities to include non-investigative/non-criminal law enforcement, public safety, and security capabilities and resources during potential or actual Incidents of National Significance.

ESF #13 capabilities support incident management requirements including force and critical infrastructure protection, security planning and technical assistance, technology support, and public safety in both pre-incident and post-incident situations. ESF #13 generally is activated in situations requiring extensive assistance to provide public safety and security and where State and local government resources are overwhelmed or are inadequate, or in pre-incident or post-incident situations that require protective solutions or capabilities unique to the Federal Government.

Policies

- State, local, tribal, private-sector, and specific Federal authorities have primary responsibility for public safety and security, and typically are the first line of response and support in these functional areas.
- In most incident situations, local jurisdictions have primary authority and responsibility for law enforcement activities, utilizing the Incident Command System on-scene. In larger-scale incidents, additional resources should first be obtained through the activation of mutual aid agreements with neighboring localities and/or State authorities, with incident operations managed through a Unified Command structure. In this context, a State's resources would include members of the State National Guard that the Governor calls into State service in a law enforcement, security, and/or public safety capacity.
- Through ESF #13, Federal resources supplement State, local, tribal, or other Federal agency resources when requested or required, as appropriate, and are integrated into the incident command structure using National Incident Management System principles and protocols.

- ESF #13 primary agencies facilitate coordination among supporting agencies to ensure that communication and coordination process are consistent with stated incident management missions and objectives.
- WMS
ACTIVATES → ▪ When activated, ESF #13 coordinates the implementation of Federal authorities that are appropriate for the situation and may provide protection and security resources, planning assistance, technology support, and other technical assistance to support incident operations, consistent with Federal agency authorities and resource availability.
- ESF #13 activities should not be confused with the activities described in the NRP Terrorism Law Enforcement and Investigative Annex or other criminal investigative law enforcement activities. As the lead law enforcement official in the United States, the Attorney General, generally acting through the Federal Bureau of Investigation (FBI), maintains the lead for criminal investigations of terrorist acts or terrorist threats by individuals or groups inside the United States, or directed at U.S. citizens or institutions abroad. ESF #13 activities are separate and distinct, and should be fully coordinated with other activities conducted as part of the Attorney General's overall criminal investigation and law enforcement responsibilities.
- In the event that State and local police forces (including the National Guard operating under State control) are unable to adequately respond to a civil disturbance or other serious law enforcement emergency, the State legislature (or the Governor if the legislature cannot be convened) may request, through the Attorney General, Federal military assistance under 10 U.S.C. Chapter 15. The President may also use the military in a state to enforce Federal law or to protect constitutional rights. Pursuant to 10 U.S.C. 331-334, the President will ultimately determine whether to use the Armed Forces to respond to a law enforcement emergency. Under Title 10 authority, the President may federalize and deploy all or part of any State's National Guard. Procedures for coordinating Department of Defense (DOD) and Department of Justice (DOJ) responses to law enforcement emergencies arising under 10 U.S.C. 331-334 are set forth in the DOD Civil Disturbance Plan, February 15, 1991.
- This annex does not usurp or override the policies or mutual aid agreements of any local or tribal jurisdiction or government, State government, or Federal agency. Law enforcement activities and criminal investigations are conducted in conformance with existing codes and statutes.

Relationship to Other Plans: ESF #13 provides the conduit for utilizing and incorporating the extensive network of public safety and security coordination established for steady-state prevention efforts through a variety of interagency plans. Prevention and security plans include but are not limited to the following:

- National Infrastructure Protection Plan;
- Sector-Specific Plans;
- National Maritime Security Plan;
- Area Maritime Security Plans; and
- Vessel and Facility Security Plans.

Concept of Operations
General

- ESF #13 is activated when Federal public safety and security capabilities and resources are needed to support incident operations. This includes threat or pre-incident as well as post-incident situations.
- When activated, the primary agencies assess public safety and security needs, and respond to requests for Federal resources and planning/technical assistance from States, Federal agencies, or other ESFs.
- ESF #13 manages support by coordinating the implementation of Federal authorities related to public safety and security and protection of property, including critical infrastructure, and mobilizing Federal security resources and technologies and other assistance to support incident management operations.
- ESF #13 maintains close coordination with Federal, State, local, and tribal officials to determine public safety and security support requirements and to jointly determine resource priorities.
- The primary agencies maintain communications with supporting agencies to determine capabilities, assess the availability of resources, and track resources that have been deployed.

Actions**Headquarters**

- When activated, the primary agencies deploy an on-call representative to the National Response Coordination Center (NRCC).
- The primary agencies assess the need for ESF #13 resources and coordinate response assistance and support in close cooperation with regional and field ESF #13 elements.
- The primary agencies may convene ESF #13 support agencies in a meeting or by conference call to coordinate Federal public safety and security assistance efforts.

- ESF #13 may provide subject-matter experts, upon request, to the Interagency Incident Management Group (IIMG), Emergency Response Team-Advance Element (ERT-A), National Emergency Response Team, and Federal Incident Response Support Team.
- During terrorism incidents, ESF #13 activities will be closely coordinated with the FBI Strategic Information and Operations Center (SIOC) and the National Joint Terrorism Task Force (NJTTF).

Regional and Field Levels

- Depending on the situation, an ESF #13 representative may participate in the early assessment efforts of the ERT-A.
- When ESF #13 is activated, the on-call representative(s) of the primary agencies deploy(s) to the Regional Response Coordination Center (RRCC) and coordinate(s) mission assignments and Federal public safety and security support until the Joint Field Office (JFO) is established.
- ESF #13 is included in the Operations Section of the RRCC and JFO.
- During terrorism incidents, ESF #13 primary and support agency Federal activities at the local level are managed from the FBI Joint Operations Center (JOC) prior to the establishment of the JFO, and are closely coordinated with the RRCC. Once a JFO is established, ESF #13 activities are managed from the JFO Operations Section in accordance with appropriate operational security guidelines.
- During non-terrorism incidents, ESF #13 primary and support agency Federal activities at the local level are managed initially from the RRCC, and from the JFO once a JFO is established. All ESF #13 activities are closely coordinated with the local FBI field office and Joint Terrorism Task Force (JTTF). The FBI field office/local JTTF may assign liaisons to the RRCC or JFO as appropriate.

- ESF #13 security and force protection activities at the regional level must be closely coordinated with DOJ-led law enforcement and investigation activities and intelligence assessments.
- Resolution of resource and mission conflicts involving Federal public safety and security assets engaged in emergency operations is done by the JFO Coordination Group.

Incident Management Activities: While State, local, tribal, and private-sector authorities have primary responsibility for public safety and security, ESF #13 provides Federal public safety and security assistance to support prevention, preparedness, response, and recovery priorities in circumstances where locally available resources are overwhelmed or are inadequate, or where a unique Federal capability is required. This may include but is not limited to the following activities, when appropriate:

- **Pre-Incident Coordination:** Supporting incident management planning activities and pre-incident actions required to assist in the prevention or mitigation of threats and hazards. This includes the development of operational and tactical public safety and security plans to address potential or actual Incidents of National Significance, the conducting of technical security and/or vulnerability assessments, and the deployment of Federal public safety and security resources in response to specific threats or potential incidents.
- **Technical Assistance:** Providing expertise and coordination for security planning efforts and conducting technical assessments (e.g., vulnerability assessments, risk analyses, surveillance sensor architecture, etc.).
- **Public Safety and Security Assessment:** Identifying the need for ESF #13 support and analyzing potential factors that affect resources and actions needed, such as mapping, modeling, and forecasting for crowd size, impact of weather, and other conditions on security, etc.
- **Badging and Credentialing:** Assisting in the establishment of consistent processes for issuing identification badges to emergency responders and other personnel needing access to places within a controlled area, and verifying emergency responder credentials.
- **Access Control:** Providing security forces to support State and local efforts (or to secure sites under Federal jurisdiction) to control access to the incident site and critical facilities.
- **Site Security:** Providing security forces and establishing protective measures around the incident site, critical infrastructure, and/or critical facilities.
- **Traffic and Crowd Control:** Providing emergency protective services to address public safety and security requirements during Incidents of National Significance.
- **Force Protection:** Providing for the protection of emergency responders and other workers operating in a high-threat environment.
- **Security for the Strategic National Stockpile (SNS):** Providing for the protection of personnel and temporary storage facilities during distribution of supplies from the SNS.
- **Security Surveillance:** Conducting surveillance to assist in public safety and security efforts, and providing appropriate technology support, as required.
- **Specialized Security Resources:** Providing specialized security assets such as traffic barriers; chemical, biological, radiological, nuclear, and high-yield explosives detection devices; canine units; law enforcement personal protective gear; etc.

Responsibilities

ESF Coordinators/Primary Agencies: The coordinators/primary agencies are responsible for the following:

- Serve as the headquarters and regional-level ESF #13 coordinators and primary agencies, represent the ESF #13 agencies on the Emergency Support Functions Leaders Group and Regional Interagency Steering Committee, and coordinate preparedness activities with ESF #13 supporting agencies.
- Provide expertise on public safety and security issues to the IIMG, when requested.
- Manage ESF #13 preparedness activities and conduct evaluation of operational readiness, including a roster and description of public safety and security activities.
- Maintain close coordination during operations between the affected regional office(s), the NRCC, other ESFs, local JTTFs, and the NJTTF, as required.
- Ensure that all activities performed under the purview of ESF #13 are related to the safety and security of the public. If any potential for overlap exists, it is the responsibility of the primary agencies for ESF #13 to de-conflict these issues prior to accepting the mission assignment.
- Facilitate resolution of any conflicting demands for public safety and security resources, expertise, and other assistance. Coordinate backup support from other geographical regions to the affected area.

Support Agencies

Each support agency maintains its authority and is responsible, when appropriate and according to resource availability, for providing appropriate personnel, equipment, facilities, technical assistance, and other support as required. In addition, support agencies may be requested to:

- Provide personnel to staff the Homeland Security Operations Center, NRCC, RRCC, Incident Command Post, JFO, Joint Information Center, and FBI SIOC or FBI JOC (for terrorism incidents).
- Provide periodic reports, as requested, regarding agency response operations to the JFO Planning Section.
- Provide technical and subject-matter expertise, data, advice, and staff support for operations that fall within the domain of each agency.